



ESPAÑOLA POLICE

DEPARTMENT DIRECTIVES

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INTRODUCTION

This Departmental Directives Manual contains Espanola Police Department Directives, which are the policy, procedures, rules, and regulations of the Police Department. These Directives are intended as guidance for the normal day-to-day operation of the Espanola Police Department.

All members of the Espanola Police Department shall be issued a personal copy of the Directives Manual for their reference.

DIRECTIVES MANUALS ISSUED TO DEPARTMENT MEMBERS

Each member who is issued a Directives Manual shall read all Directives in the manual. Each member of the Police Department and their immediate supervisor shall be held accountable for insuring that the member reads and understands the manual's contents. Each member who is issued a Directives Manual shall sign the receipt included with the manual and return it to their immediate supervisor.

When assigned to an individual member, this Directives Manual is considered issued equipment and as such must be accounted for at all times. Thefts, loss, damage or destruction of this manual must be reported to the member's immediate supervisor as soon as possible.

Supervisors are also responsible for ensuring that new members to the department complete an acknowledgment form and return it to the Training Unit as part of their initial orientation to the agency.

Each supplement issued to the Directives Manual shall have its own receipt and instructions for placement in the manual. Each member is responsible for updating their issued manuals and keeping them in good condition. Each member's immediate supervisor is accountable for ensuring their subordinates' manuals are properly updated and for the return of the receipts to the executive secretary.

18.1	Alternate Duty Assignment	3.1	Jurisdictional Responsibilities
35.1	Animal Services Division	46.1	Juvenile Matters
88.1	Appearance/Uniforms, Equipment	13.1	Lateral Entry/Rehires
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48.1	Bank Alarms	85.1	Line Inspections TBD
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14.1	Classification & Delineation of Duties TBD	2.1	Oath & Canon of Ethics
23.1	Code of Conduct	68.1	Patrol Operations
24.1	Collective Bargaining TBD	38.1	Peer/Officer Support Team TBD
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69.1	Criminal Investigations Procedures	99.1	Police Canine (K-9) Program TBD
97.2	Curriculum TBD	21.1	Promotional Procedures TBD
67.1	D.U.I. Enforcement	71.1	Protocol
91.1	Damage to Department or Civilian Property	94.1	Psychological Testing TBD
5.1	Department Organizational Description	37.1	Public Safety Aides
76.1	Diplomatic Immunity	75.1	Pursuit of Motor Vehicles
7.1	Direction & Guidance	33.1	Records
27.1	Disciplinary Procedures	97.3	Remedial Training
49.1	Domestic Violence	25.1	Responsibility of Department Members TBD
89.1	Drug & Alcohol Testing TBD	58.1	Restraint & Transportation of Prisoners
36.1	Early Warning System	65.1	Roadblocks & Checkpoints
42.1	Emergency/Routine Escorts	97.5	Roll Call Training TBD
30.1	Employee Personnel File	55.1	Search & Seizure
12.1	Entry Level Selection	15.1	Seniority TBD
39.1	EOD Unit TBD	85.2	Staff Inspections TBD
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51.1	Evidence Collection & Preservation	29.1	Supplementary Employment
52.1	Evidence Management	61.1	SWAT TBD
97.4	Field Training & Evaluation TBD	50.1	Towing and Wrecker Services
74.1	Firearms/Ammunition/Range Qualifications TBD	64.1	Traffic Accident Investigation/Enforcement
10.1	Fiscal Affairs TBD	63.1	Traffic Administration
84.1	Forms, Design & Development TBD	66.1	Traffic Law Enforcement
1.1	Goals & Objectives	97.1	Training Programs TBD
28.1	Grievance Procedures	20.1	Transfer Policy TBD
70.1	Harassment & Workplace Discrimination TBD	90.1	Uniform/Equipment Repair TBD
26.1	Internal Affairs	72.1	Use of Force
100.1	Interview Rooms TBD	98.1	Vehicle Mounted Camera System TBD
0	Introduction	87.1	Vehicles, Police Department TBD
86.1	Issuance of Equipment TBD	79.1	Victim/Witness Assistance TBD
45.1	Issuance of Misdemeanor Citations	83.1	Written Direction & Official Correspondence TBD

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GOALS AND OBJECTIVES**CODIFIED:** 1.1**EFFECTIVE:** 09/01/09**PAGES:** 1**PURPOSE**

The purpose of this directive is to establish and routinely update goals and objectives for the Department and each departmental component.

DISCUSSION

Establishing and routinely updating goals and objectives ensures direction and a unity of purpose. This shall be accomplished by obtaining input from all personnel levels.

POLICY

It shall be the policy of the Espanola Police Department to establish and annually update its goals and objectives.

PROCEDURE

1.1.01 Commanders shall submit to the Chief/Deputy Chief of Police, a detailed program of proposed departmental goals and objectives.

1.1.02 First line supervisors will obtain input from all assigned personnel when drafting the goals and objectives for his/her unit.

1.1.03 Commanders shall make preliminary evaluations of the current year's goals and objectives.

1.1.04 The Chief of Police and Executive Staff shall review the goals and objectives submitted by the divisions/sections, and formulate overall departmental goals and objectives for the next year.

1.1.05 After receipt and review by the Chief of Police, the goals and objectives of the department shall be distributed to all personnel for inclusion in the Directives Manual.

DRAFTED (rgb)/07/09

TITLE: OATH AND CANON OF ETHICS**CODIFIED** 2.1**EFFECTIVE:** 09/01/09**PAGES:** 3**PURPOSE**

The purpose of this directive is to ensure that department personnel are aware of the actions and attitudes expected of them and to provide members of the public with a general standard by which they can measure the performance of the Espanola Police Department.

DISCUSSION

New Mexico Statute mandates that officers take and subscribe to the Oath of Office, prior to appointment and before undertaking the duties of office.

It is equally important that officers observe the principles as set forth in the Canons of Law Enforcement Ethics.

POLICY

It shall be the policy of the Espanola Police Department to comply with State and Federal Law and to preserve and protect the constitutional rights of the community. It shall further be the policy of the Espanola Police Department that all sworn personnel will abide by the Canon of Ethics as set forth in this directive.

PROCEDURE

2.1.01 The following oath must be executed by each officer prior to being assigned to any law enforcement duties:

Oath of Office

I, do hereby solemnly swear to support the Constitution of the United States of America, and the State of New Mexico, to enforce the Laws of the State of New Mexico and the ordinances of the City of Espanola; and to perform all other duties of a Police Officer of the City of Espanola, to the best of my ability, so help me God.

CODE OF ETHICS

2.1.02. Sworn personnel of the Espanola Police Department shall abide by the following Code of Law Enforcement Ethics.

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of police service. I

will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement

PRIMARY RESPONSIBILITY OF JOB

2.1.03 The primary responsibility of the law enforcement service, and of the individual law enforcement officer, is the protection of the people of the United States through the upholding of their laws; chief among which is the Constitution of the United States and its amendments. The law enforcement officer represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

LIMITATION OF AUTHORITY

2.1.04 The first duty of a law enforcement officer, as upholder of the law, is to know the bounds the law established for its enforcement. The law enforcement officer represents the legal will of the community, be it local, state, or federal. The law enforcement officer must, therefore, be aware of the limitations and proscriptions which the people, through law, have imposed as a primary responsibility. Law enforcement officers must recognize the genius of the American system of government, which gives no person, group, or institution, absolute power. Law enforcement officers must ensure that they, as prime defenders of that system, do not pervert its character.

DUTY TO BE FAMILIAR WITH THE LAWS AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS

2.1.05 Law enforcement officers shall vigorously apply themselves to the study of the principles of the

laws which they are sworn to uphold. Law enforcement officers will ascertain their responsibilities in the particulars of their enforcement, seeking aid from superiors in technical matters or principles when such are not understood. Law enforcement officers will make special effort to fully understand their relationship to other public officials, particularly in matters of jurisdiction, both geographically and substantively.

UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS

2.1.06 Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

COOPERATION WITH PUBLIC OFFICIAL IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES/PRIVATE CONDUCT

2.1.07 Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity in enforcing the law or seeking to gain special privilege will negatively reflect upon the law enforcement officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. A law enforcement career gives no person special privileges. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. Officers who reflect upon this tradition will not degrade it. Rather they will so conduct their private lives that the public will record them as examples of stability, fidelity and morality.

CONDUCT TOWARD THE PUBLIC

2.1.08 Law enforcement officers, mindful of their responsibility to the whole community, shall deal

with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official lives in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. Officers will give service where they can, and require compliance with the law. They will do so neither from personal preference or prejudice but rather as duly appointed officers of the law discharging a sworn obligation.

CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS

2.1.09 Law enforcement officers shall use powers of arrest strictly in accordance with the law and with due regard for the rights of the citizens concerned. Their office gives them no right to judge the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of responsibilities and limitations regarding detention of the violator.

2.1.10 They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to the service of the people and the equitable upholding of the law, whether in the handling of the law violators or in dealing with the law-abiding citizens.

GIFTS AND FAVOR

2.1.11 Law enforcement officers, representing government, bear the heavy responsibility of maintaining in their own conduct the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors and gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

PRESENTATION OF EVIDENCE

2.1.12 Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of reliability and integrity of an officer's word.

2.1.13 Law enforcement officers shall make a concerted effort to increase perception and skill of observation, mindful that in many situations theirs is the sole impartial testimony to the facts of a case.

ATTITUDE TOWARD PROFESSION

2.1.14 Law enforcement officers shall regard the discharge of their duties as a public trust and recognize their responsibilities as a public servant. By diligent study and sincere attention to self improvement, they shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office, and hold police work to be an honorable profession rendering valuable service to their community and country.

Drafted(rgb)/07/09

**TITLE: JURISDICTIONAL
RESPONSIBILITIES**

CODIFIED: 3.1

EFFECTIVE: 09/01/09

PAGES: 3

PURPOSE

The purpose of this policy is to delineate the geographical jurisdictional boundaries of the Espanola Police Department and establish guidelines relating to the concurrent jurisdictional responsibilities and mutual aid.

DISCUSSION

It is advantageous for law enforcement agencies within Espanola, New Mexico and in adjoining jurisdictions, to be available to assist each other. Therefore, department personnel should be aware of the jurisdiction boundaries of the department, mutual aid agreements and the services available from other agencies.

POLICY AND PROCEDURE

3.1.01 The legally authorized geographical area under the Chief of the Espanola Police Department is the City of Espanola. The enforcement of New Mexico Statutes and City of Espanola Ordinances are authorized in the City of Espanola, New Mexico unless specifically prohibited or allowed elsewhere by State Statute.

BOUNDARIES

3.1.02 A detailed official map, which includes the boundaries of the jurisdiction of the Espanola Police Department is maintained by the Communications Section.

JURISDICTION

3.1.03 The Espanola Police Department possesses concurrent jurisdiction with the Santa Fe County/Rio Arriba Sheriff's Office and the New Mexico State Police. All sworn EPD personnel possess cross commissions issued by the Sheriff of Santa Fe and Rio Arriba County.

3.1.04 There are also several federal law enforcement agencies assigned to the area that encompasses the City of Espanola. They include the Federal Bureau of Investigation, United States Marshall's Service, Drug Enforcement Agency, United States Postal Inspection Service, United States Secret Service, Bureau of Indian Affairs Police and the United States Department of Immigration and Naturalization.

3.1.05 The Chief of Police, by law, is the chief law enforcement officer in the City of Espanola with the full authority and responsibility to uphold the law and preserve the peace.

MUTUAL AID AGREEMENT

3.1.06 The Espanola Police Department is allowed, under New Mexico State Statute 29-8-3, to provide mutual aid and support services to requesting law enforcement agencies. In addition, the Espanola Police Department may request mutual aid and support services from other law enforcement agencies.

**PROVISIONS FOR OPERATIONAL
ASSISTANCE**

3.1.07 Law enforcement agencies may request and render assistance to one another for incidents ranging from dealing with riots, civil disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, concerts, parades, escapes from detention facilities, and incidents requiring the utilization of specialized units.

**PROVISIONS FOR VOLUNTARY
COOPERATION**

3.1.08 Each agency may request or render assistance to one another in dealing with any violations of New Mexico State Statutes including but not limited to investigation of homicides, sex offenses, robberies, assaults, burglaries, larcenies, motor vehicle thefts, drug violations, backup services during patrol activities, and inter-agency task forces.

REQUESTING OR RECEIVING AID

3.1.09 Prior to making a request for assistance from outside law enforcement agencies, the on-duty commander will:

- Reallocate existing resources by directing all units who are not involved in emergency situations to immediately proceed back in service.
- Assume responsibility for prioritization of calls for service until all emergency situations are handled.

3.1.10 In the event these steps do not alleviate the emergency situation, the on-duty commander or supervisor may request assistance from an outside agency.

- Requests for emergency aid will be based upon immediate need. Any extended aid requirements must be approved through the office of the Chief of Police.

3.1.11 All situations requiring aid from other agencies will be documented in memorandum form and submitted to the appropriate commander.

3.1.12 In the event the request is made at night or on weekends, the appropriate commander will be notified by telephone in addition to the memorandum. The commander shall make the determination on whether or not the Chief of Police will be notified.

3.1.13 Resources that are assigned to assist the Espanola Police Department shall be under the immediate command of a supervising officer

designated by the assisting agency. Such supervising officer shall be under the direct supervision and command of the incident commander. In the event no supervising officer is designated by the assisting agency, all resources shall be under the command of the incident commander.

3.1.14 Communications with assisting personnel shall be conducted using clear speech. Codes shall be avoided to prevent misunderstanding.

RENDERING ASSISTANCE

3.1.15 When an outside agency requests aid from the department, available personnel may be sent with the approval of the on-duty commander. Sufficient personnel must still be available to provide the necessary emergency services within the City.

3.1.16 A uniformed supervisor may be dispatched to the call for assistance, if available and more than one supervisor is on duty.

3.1.17 Officers who are dispatched to a scene outside the department's jurisdiction shall only initiate the action that is necessary to protect lives and public safety. Officers who observe a serious crime outside of this department's jurisdiction, shall immediately notify the Communications Section and request an officer from the particular jurisdiction to take control of the incident. The officer will obtain a case number and document the incident as "Assistance to Outside Agency" on the appropriate Offense/Incident form.

3.1.18 Officers responding to a call for assistance will be under the direct supervision of a Espanola Police Department supervising officer, if dispatched. If no supervising officer is dispatched, officers will be under the command of the incident commander.

3.1.19 Officers rendering assistance outside their jurisdiction pursuant to agreements shall have the same powers, duties, rights, privileges and immunities as if they were performing duties in the political subdivision in which they are normally employed.

3.1.20 In the event assistance is required that will exceed the shift hours normally worked by the responding officers, the appropriate commander will immediately be notified for approval.

3.1.21 Copies of all written Offense/Incident reports or Supplemental reports will be forwarded to the jurisdiction involved.

3.1.22 The on-duty Patrol Commander is empowered to authorize emergency non-routine aid to other agencies.

DRAFTED(rgb) 08/09

TITLE:	LIMITS OF AUTHORITY
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CODIFIED:	4.1
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EFFECTIVE:	09/01/09
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PAGES:	2
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PURPOSE

The purpose of this directive is to define and discuss the scope and limits of the department's law enforcement authority and provide guidelines related to the use of authority and the discretion sworn personnel may use as alternatives to arrest.

DISCUSSION

Chapter 3, New Mexico Statutes Annotated outlines and authorizes the authority of Municipal Police Officers.

It is recognized that in the course of their duties, officers will have to use their own discretion. Many instances of public contact will occur in which an arrest may be justified by State Statute, but due to mitigating circumstances, an arrest should not be effected.

POLICY

It shall be the policy of the Espanola Police Department to operate pursuant to the authority vested in it by the State of New Mexico. Officers of the department shall fully understand the authority vested in them by the State of New Mexico and by the Chief of Police. Officers shall use judgement and discretion commensurate with their training and experience, in the execution of their duties.

PROCEDURE

AUTHORITY

4.1.01 Officers shall have the same authority and limitations, in accordance with State Statute, as those imposed on the Chief of Police and his/her office. This includes the authority to carry and use firearms and other less-lethal weapons.

4.1.02 The geographical area for which the Chief of the Espanola Police Department is commissioned is the City of Espanola, New Mexico. The enforcement of State Statutes and local ordinances is authorized within the City limits of Espanola, New Mexico. Sworn members of the Espanola Police Department are not authorized to enforce State Statutes or local ordinances elsewhere unless allowed by law (Operational Assistance and Voluntary Cooperation Agreements).

DISCRETION-MISDEMEANOR OFFENSES
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4.1.03 Officers are cautioned to use discretion in the performance of their assigned duties, taking into consideration the conditions present at the time, the constraints of existing policy, Statutes, laws and/or ordinances pertaining to the situation and the available alternatives.

4.1.04 Officers may arrest subjects for misdemeanor offenses committed in the presence of the officer or for misdemeanor crimes where there is a statutory exception to the requirement that the crime be committed in the presence of the officer.

4.1.05 Officers who arrest persons for misdemeanor offenses may issue Non-Traffic Misdemeanor/Notice to Appear Citations in lieu of booking, unless the officer has specific grounds to justify physical arrest and booking.

4.1.06 Notwithstanding the statutory exceptions to the misdemeanor arrest rule, an officer may arrest persons for misdemeanor offenses committed in his

presence rather than issue a Notice to Appear in the following cases:

- The subject is a known habitual offender;
- The offense was violent in nature;
- The officer has reason to believe the accused will repeat the offense if left at liberty;
- The accused exhibits violent or disorderly behavior;
- The accused has no valid address;
- The accused has previously failed to respond to a notice or summons;
- The accused refuses to sign a Notice to Appear Citation or is unable to provide sufficient identification.

DISCRETION - TRAFFIC OFFENSES

4.1.07 Arrests for misdemeanor traffic offenses may be handled by the issuance of a Uniform Traffic Citation with the same guidelines as listed for a Notice to Appear.

4.1.08 New Mexico law prescribes the manner in which persons who commit a traffic infraction are to be cited.

4.1.09 New Mexico law further provides that any person arrested for a misdemeanor traffic offense must sign the Uniform Traffic Citation in order to secure his release.

DECISION TO ARREST

4.1.10 The decision regarding an arrest should be made after careful consideration of the following:

- Whether the arrest would cause a greater risk of harm to the general public than not arresting the offender;

- Whether the offense can best be handled through informal warning;

- The seriousness of the crime committed;

RELEASE ON SIGNATURE

4.1.11 If the arresting officer plans to release the defendant after securing a signature on a Notice to Appear, the officer shall obtain positive identification from the accused.

ADDITIONAL ALTERNATIVES

4.1.12 Additional methods which may be utilized as alternatives to arrest include but are not limited to:

- The issuance of a citation or Notice to Appear for misdemeanors or violations of ordinances in accordance with the guidelines in this directive;
- Informal resolution of the problem;
- A verbal warning prohibiting the conduct;
- Referral to a community service organization.
- Juveniles may be released to the custody of a Parent or legal guardian;
- Evaluation for protective custody or mental hold.

DRAFTED(rgb)07/09

TITLE: DEPARTMENT ORGANIZATIONAL DESCRIPTION

CODIFIED: 5.1

EFFECTIVE: 09/01/09

PAGES: 5

ATTACHMENTS: 1

PURPOSE

The purpose of this directive is to describe the function and purpose of the various subdivisions of the department.

DISCUSSION

The extent of the various services that the department provides to the public requires that the Chief of Police develop a logical and reasonable plan wherein these duties are equitably apportioned among his or her employees.

These efforts shall be grouped according to the function provided, the area served, and by the purpose of the particular service involved for maximum effectiveness.

The manner in which these resources are assigned shall be consistent with the most cost-effective means to realize department objectives.

POLICY

It shall be the policy of the department to be organized and resources deployed to clearly reflect a total commitment to a community based, service oriented concept of operations. The organizational subdivisions within the department shall be grouped by function. The organizational structure shall be depicted graphically on an organizational chart, which shall be reviewed annually and updated as needed. These organizational charts shall be available to all department personnel in the Departmental Standards Directive manual.

PROCEDURE

ORGANIZATION

5.1.01 The department is organized into areas of functional responsibility and levels of authority. Areas of functional responsibility include department, division, district, shift, section and unit. Levels of authority include rank or position and are based on functional responsibility. Department supervisors and commanders receive their authority from and are accountable to the Chief of Police.

- Office of the Chief - The Office of the Chief is an organizational component, which includes functions of the Office of the Chief, Deputy Chief of Police and executive administrative functions.
- Division - A division is the subordinate organizational component within the department and is commanded by the rank of Deputy Chief.
- Unit/Squad - Are work groups whose primary assignments are in a functional area and are assembled for a special purpose as needed. Unit/Squad supervisors report to higher authority as designated by the Chief.
- Section - A section is an organizational component, which performs, related functions and tasks under the supervision of one supervisor.
- Unit - A unit is an organizational group of personnel, which is assigned a specialized function or task and is under the command of a single supervisor.
- Shift - A shift is a subordinate organizational component within a district and is composed of department personnel.

COMMAND STRUCTURE

5.1.02 The order of sworn rank and comparative non-sworn positions for the Espanola Police Department is as follows:

SWORN	NON-SWORN
CHIEF	DETENTION DIRECTOR
DEPUTY CHIEF	EXECUTIVE SECRETARY
LIEUTENANT	RECORDS SUPERVISOR
SERGEANT	ANIMAL CONTROL
CORPORAL	FLEET/PROPERTY EVIDENCE
OFFICER	

OFFICE OF THE CHIEF OF POLICE

5.1.03 The Office of the Chief of Police provides various specialized executive, administrative, and managerial services to the Chief and is composed of the following units.

5.1.04 CHIEF OF POLICE - The Chief of Police is the Chief Executive Officer/Director of Public Safety for the City of Espanola, New Mexico. New Mexico State Law delineates the duties and responsibilities of the Chief.

A. Reporting directly to the Chief are the Deputy Chief of Police and in cases of Internal Affairs, the Internal Affairs Commander.

DEPUTY CHIEF OF POLICE OPERATIONS DIVISION

5.1.05 Division Commander - The Operations division, commanded by a Deputy Chief, conducts all uniform patrol activities, criminal investigations and other law enforcement functions and policing operations. The Operations Deputy Chief of Police

may act as Chief of Police In the absence of the Chief of Police.

CRIMINAL INVESTIGATIONS

5.1.06 The Criminal Investigations Section is commanded by a Sergeant/Lieutenant and is responsible for investigation of major criminal activity, juvenile offenses, narcotics offenses, and intelligence.

OPERATIONS SUPPORT SERVICES

5.1.07 Operations Support Services is under the command of a Lieutenant who reports directly to the Deputy Chief. The section handles selective traffic assignments, DWI enforcement and Public Safety Aides and is responsible for analyzing and coordinating other support activities that may fall within this function.

PATROL OPERATIONS SECTION

5.1.08 The Patrol Operations Section is supervised by the rank of lieutenant. The Section is responsible for two patrol shifts.

TRAINING AND RECRUITING

5.1.10 Training and Recruiting - The Training and Recruiting Section reports directly to the Deputy Chief of Police. The Training/Recruiting Officer responsibilities encompass the advertising, testing and training for all department personnel. He/she will prepare quarterly or annual reports as required by granting agencies. He/she will be required to perform other special projects as assigned.

INTERNAL AFFAIRS

5.1.11 Internal Affairs - Responsible for conducting, coordinating, or reviewing complaints against agency personnel, as well as maintaining all records of the complaints and investigations in a secure environment.

SUPPORT SERVICES

FLEET/EQUIPMENT OPERATIONS PROPERTY/EVIDENCE

5.1.12 The Property/Evidence/Fleet Custodian is a non-sworn position and is responsible for all evidentiary property, items entered for safekeeping,

maintaining evidence control logs, and chain of custody. The Property Custodian is also responsible for obtaining court orders relating to disposal of property to include reversion to department use, destruction, release and/or auction. He/she is responsible for department fleet specifications, liaison with private vendors for repair and maintenance of department owned vehicles and equipment, and liaison with the City Vehicle Maintenance Department.

RECORDS SECTION

5.1.13 The Records Section is supervised by a non-sworn Section Supervisor who reports directly to the Deputy Chief and is responsible for maintaining and disbursing all departmental records. Assigned personnel are responsible for all central records functions to include report entry, records maintenance and retention, criminal record-check information, report status control, collection of fees for copies of reports.

ANIMAL CONTROL

5.1.23 This unit is supervised by a non-sworn supervisor, who reports directly to the Deputy Chief. Animal Control Officers are non-sworn officers who handle calls specifically related to ordinances directed at animals and animal ownership within the City of Espanola.

ATTACHMENTS

Attachment A Espanola Police Department Organizational Chart.

DRAFTED(rgb)/07/09

**TITLE: PERSONNEL ALLOCATION
AND DISTRIBUTION**

CODIFIED: 6.1

EFFECTIVE: 09/01/09

PAGES: 3

PURPOSE

The purpose of this directive is to delineate responsibility for periodic personnel requirement evaluations, and the appropriate allocation of personnel.

DISCUSSION

A primary management function is the effective allocation of personnel. To this end, managers must periodically evaluate personnel needs and measure resources against the delivery of services. With budgetary constraints often a limiting factor, personnel resources must be utilized in the most efficient and effective manner. Redistribution of personnel is often necessary to achieve the most effective delivery of services.

POLICY

It is the policy of the Espanola Police Department to allocate and distribute manpower resources in accordance with service needs and workload assessments. Such allocation shall be directed at significantly increasing the efficiency and effectiveness of this Department, while seeking to evenly distribute workloads throughout the agency.

PROCEDURE

6.1.01 The Espanola Police Department may conduct a manpower allocation assessment, utilizing automated information sources and accepted formulas to determine whether the personnel strength of the agency is consistent with the workload.

A. A quarterly assessment may be conducted which focuses on the Patrol Division. This assessment will also be conducted by utilizing automated information sources and accepted formulas.

B. The allocation study shall take into account the number of tasks being performed, the complexity of the tasks, location, and time required for completion.

1. Reallocation of agency personnel may occur based upon the results of the workload assessment. Any reallocations shall be directed by the Chief of Police or his designee.
2. Reallocation, if determined to be necessary, shall occur as soon as possible after the results of the annual assessments.

6.1.02 Allocation of the Patrol Component

A. Allocation of personnel to the patrol component is based upon a workload assessment and manpower allocation study which addresses the following:

1. Number of incidents handled by patrol personnel during the specified period. (Calls for service).
2. Average time required handling an incident at the patrol level. (Hours worked per person)
3. Calculation of the percent of time, on the average, that should be available to the patrol officer for handling incidents during a specified period. (Total obligated time) Obligated time shall be determined by the Chief of Police.
4. Time lost through days off, holidays, and other leave, compared to the total time required for each patrol assignment. (Regularly scheduled days off, benefit days off, team relief factor).

B. On an annual basis, the manpower allocation study may be utilized to calculate the assignment availability factor for patrol personnel.

C. In the study, consideration may be given to the assignment/availability factor, as well as benefit

days off, regularly scheduled days off, and the shift relief factor. Calculations will be based upon statistics retrieved and tabulated from Computer Aided Dispatch (**CAD**) as well as statistics compiled for the Annual Report and shall take into account:

1. Calls for service by team
2. Calls for service by hour of day
3. Calls for service by month
4. Calls for service by year
5. Calls for service by area (census tract or smaller).
6. Calls for service by patrol area (by shift, day of week, month, and year).
7. Calls for service by classification or type (by shift, day of week, month, and year).

D. The Espanola Police Department shall maintain a map of its service area organized into identified reporting areas. **CAD** shall be utilized to tabulate, on a daily basis, and for monthly review, all incidents according to their reporting area. Patrol beats shall be based upon these reporting areas that are designed to assure minimal response times, equal workloads in the reporting areas, and to allow field commanders to distribute personnel accordingly.

1. On an annual basis, the Chief or his designee, shall utilize the tabulations in regards to temporal, geographic, shift hours, and beat configurations to determine if revisions in patrol distribution are required.
2. The workload assessment and task analysis will be utilized to assess proper staffing and equipment availability, for the Patrol Division.
3. Revision efforts shall be directed at assurance that the numbers of patrol beats on each shift are proportionate to the workload occurring on individual shifts.

6.1.03 Allocation for Specialized Assignments

A. Assessment of Assignments

1. An annual review shall be conducted in regards to each individual specialized

division, section, team, unit, and/or assignment to assure the need for continuation of said assignment.

- a. The review shall take into consideration the cost-effectiveness of sustaining the division/unit and the initial problem area or condition which made implementation of the unit/assignment necessary.
- b. Evaluations are to assess the individual components to assure that overspecialization does not occur. In conjunction with the cost-effectiveness study, a manpower allocation study shall be conducted to assure proper and efficient manpower allocation in all areas of the Department.

6.1.04 Allocation of Civilian Personnel

- A. The Espanola Police Department shall maintain a staff of qualified civilian support staff. Civilian positions include, but may not be limited to:
 1. Records Section personnel;
 2. Secretarial Staff; administrative, secretarial, and clerk-typists;
 3. Accounting Supervisor;
 4. Animal Services Officers;
 5. Property Custodian;
 6. Crime Scene Technicians;
 7. Public Safety Aides
 8. Fleet Maintenance Manager
 9. Crime Analyst
 10. Communications Liaison
 11. Terminal Agency Coordinator
- B. In conjunction with review of allocation information, the Chief of Police shall examine positions throughout the Department to determine the need for continuance of sworn status or conversion to civilian status.
 1. The review will be based upon information provided by the allocation study and be in conjunction with the agency's annual

budget process. Any changes in this area must be approved through the Office of the City Manager, and the governing body when applicable.

2. The review of all civilian staffed positions shall also be to assure that sworn personnel are not assigned to these positions, except when required by alternate duty status.

6.1.05 Workshift Designation

The designated Patrol work shifts are:

1. Patrol day shift: 6:00 a.m. - 6:00 p.m.
2. Patrol night shift: 6:00 p.m. - 6:00 a.m.

B. Shift hours may differ due to manpower analysis and allocation determinations, but in all cases, shall be designed to assure continuous patrol coverage.

C. Investigations personnel schedules shall be set by their Sergeant/Lieutenant. Shift hours may differ due to manpower analysis and allocation determinations, but in all cases, shall be designed to assure continuous coverage.

D. Administrative and Investigations personnel shall normally work from 8:00 a.m. - 5:00 p.m., Monday through Friday, with weekends and holidays off.

6.1.06 Patrol Shifts

Patrol shifts consist of:

1. Day shift
2. Night shift
3. Operations Support (DWI)

A. Assignment to patrol teams is made at the discretion of the Chief of Police based upon manpower needs and the best interests of the Department.

1. Transfers between teams will be handled in accordance with the Department Directive entitled, "Transfer Policy", and Union Contracts/M.O.U.'s

6.1.07 Hours of Operation for Animal Services

A. The Animal Services Office shall maintain regular hours to conduct necessary business and

to serve the citizens of Espanola. Regular business hours shall be 8:00 a.m. to 5:00 p.m., Monday through Friday. Shift assignments and hours may change according to special needs or situations.

POSITION MANAGEMENT SYSTEM

6.1.08 The Espanola Police Department maintains a position management system in accordance with City policy and to assure that:

- A. All persons on the payroll are legally employed;
- B. Allocation of personnel resources to positions within the Department are filled in accordance with current budget authorizations; and
- C. Information is available to facilitate decisions in the areas of recruitment, selection, transfer, promotion, and career development.

Drafted (rgb) 08/09

TITLE: DIRECTION AND GUIDANCE**CODIFIED:** 7.1**EFFECTIVE:** 09/01/09**PAGES:** 2**PURPOSE**

This directive outlines the various methods of directing and managing the department and provides guidance to all members in conducting their assigned duties.

DISCUSSION

In order to fulfill the Department's mission, goals and objectives it is necessary to create and maintain a system through which the Espanola Police Department can be effectively directed and managed. This does not imply a disregard for the rights and abilities of individual members, but rather a structuring of the human efforts to develop a team effort in accomplishing our goals.

POLICY AND PROCEDURE**RESPONSIBILITY AND AUTHORITY**

7.1.01 To provide a guide for action in organizational operations, it is the policy of the Espanola Police Department to:

- A. Fix Responsibility for each function. The manner in which such responsibility has been fixed is set forth in the Espanola Police Department Administrative Manual. Commensurate authority at every level must accompany responsibility.
- B. Delegate authority for decision making and action to the lowest level possible. All personnel are held fully accountable for the use of delegated authority, as well as the failure to use it.

C. Describe lines of authority and such functional and advisory relationships as are necessary to the conduct of good law enforcement.

D. Practice the principle of "Unity of Command," whenever possible, in all organizational components of the department. The concept of unity of command states:

1. Every employee should be accountable to their immediate supervisor.
2. Only one person should be in command of any operation or incident.
3. Each organizational component is under the supervision of only one supervisor.
4. In cases of emergency, a supervisor is not relieved of the responsibility to act, even though a subordinate or incident is not under the supervisor's direct command.

E. Wherever possible, minimize the number of employees under the direct control of any given supervisor in order to provide for effective direction, coordination, and control of the employees.

F. Have established lines of authority followed in all routine matters. It is not the purpose of this policy, however, to put an end to the "open door" policy of command officers.

1. Under exceptional circumstances, and when normal lines of authority do not suffice, persons may seek advice and discuss problems with higher authority.

G. Make basic changes in the described organizational structures only after the full consideration of the Chief of Police.

WRITTEN GUIDANCE

7.1.02 Guidelines to direct and manage personnel within the City of Espanola are governed by the Personnel Rules and Regulations, and relevant union

contracts, in areas of employee rights, duties, responsibilities, and personnel administration.

7.1.03 The City of Espanola Safety Manual has formal guidelines governing safe operation of vehicles and equipment, performance of duties and responsibility in a safe manner, and safety inspections procedures.

7.1.04 The City of Espanola and the Espanola Police Officers Association have signed a MOU/Union Contract to provide additional guidance to all Union members of the Department

7.1.05 To provide additional guidance to all members of this Department, the Chief of Police has authorized and directed the compilation and adoption of Department Directive manuals which are issued to all personnel.

A. The policy and procedures manuals are intended only to regulate the conduct of personnel of this department and are not intended to create any higher standard of care than that required by State law for purposes of establishing civil liability on the part of the Espanola Police Department, the City of Espanola, or personnel of this Department.

EMPLOYEE ORIENTATION

7.1.06 The City of Espanola Human Resources Department provides immediate guidance and information for all newly hired employees by conducting employee orientation within the first thirty days of hire. Information provided at that time includes, but is not limited to:

- A.** Information regarding the fringe benefits program;
- B.** Information regarding annual, sick, holiday and administrative leave programs.
- C.** The employee classification and salary program;
- D.** Retirement information;
- E.** Disability and death benefits program;

- F.** Educational benefits program;
- G.** Employee Assistance Program
- H.** Health insurance program;
- I.** Personnel Rules and Regulations; and
- J.** Safety rules and regulations
- K.** Contract information.

- I.** All new employees are provided with the written material for each of these categories, which is explained in detail by the assigned personnel.

7.1.07 The Espanola Police Department also conducts an orientation for all sworn officers upon hire as outlined in the Police Department Training Manual.

Drafted (awm) 06/09

TITLE:	STAFF MEETINGS
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CODIFIED:	8.1
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EFFECTIVE:	09/01/09
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PAGES:	3
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PURPOSE

The purpose of this directive is to establish guidelines, which will ensure that certain minimum levels of direct communication occur.

Properly orchestrated and participatory meetings of Departmental Staff are to be held within the Department on a routine, regularly scheduled basis.

DISCUSSION

Staff meetings should have an agenda prepared noting topics and/or problems requiring discussion, including any old business carried over from previous meetings.

Facts necessary for the resolution of problems should be gathered, organized and transmitted to staff members ahead of time to allow them an opportunity to study the material beforehand.

POLICY

It will be the Policy of the Espanola Police Department to encourage Supervisors and Managers to conduct staff meetings and adhere to the following procedures when appropriate.

PROCEDURE

SUPERVISOR RESPONSIBILITY

8.1.01 All supervisors and managers whether sworn or non-sworn, are responsible for assessing the need, scheduling of, and conducting staff meetings, on at least a quarterly basis.

A. Assessing the need for staff meetings can be based on:

1. The need for training, evaluation of operational progress, and problem solving.
2. The need, on a routine basis for progress reports, direction, staff and individual work, and briefings.
3. The need to respond to a particular task may require the formation of a committee or task force.
4. The need to provide liaison with other departmental components for the purpose of enhancing program coordination.

B. When scheduling staff meetings, supervisors should provide:

1. Enough lead-time to prepare for the meeting and allow employees time to respond.
2. Prior notice to participating employees regarding their area of responsibility, reports due or required, and notification of their immediate supervisor.
3. When scheduling department-wide staff meetings, a meeting notice specifying time, place, agenda, and materials and also procedures for persons to confirm receipt of the meeting notice will be placed into the special orders folder, with all commanders initialing this memorandum.

TYPES OF STAFF MEETINGS

8.1.02 Executive Staff Meetings

A. The Chief of Police or his designee (through chain of succession/command) shall attend scheduled Executive Staff meetings at the direction of the Espanola City Manager. Information obtained at the citywide meetings shall be disseminated to Police Department Senior Staff as indicated below.

B. Procedures for Executive Staff meetings will be in accordance with directives set forth by the City Manager.

8.1.03 Mini Staff Meetings

A. Mini staff meetings shall be held the day after a city executive staff meeting.

- B. Attendance at these meetings is mandatory for the Chief, Deputy Chief, Supervisors and others as deemed necessary.
- C. The purpose of these meetings is to discuss pertinent issues, team building and problem solving, and is governed by the latest issues affecting the Department.

8.1.04 Senior Staff Meetings

- A. Senior staff meetings shall be held on a monthly basis in the conference/training room at the Espanola Police station.
- B. Additional staff meetings may be scheduled at the direction of the Chief of Police, should the need arise for briefing of staff, obtaining input, in any emergency, or if otherwise necessary to assure smooth operation of the Department.
- C. Attendance is mandatory for Chiefs, Lieutenants and Section Supervisors from each component. In the event a senior staff member is unable to attend, due to illness, injury, absence, or special assignment he or she will assure that a designee from their section or unit is in attendance.
- D. The purpose of these meetings is to discuss and participate in collective problem solving as well as to promote more effective communication throughout the department.

8.1.05 Procedures for Senior Staff Meetings

- A. The meeting will be called to order at the designated hour by the Senior Executive in attendance.
- B. He/she will then address each individual in attendance. At this time a Lieutenant, Section Supervisor, or designee shall present matters requiring the attention of staff. Topics of discussion may include, but shall not be limited to, the following:
 - 1. Daily report to the Chief
 - 2. City policies affecting personnel.
 - 3. Staffing of all policies and procedures to meet New Mexico Accreditation Program standards prior to the effective date of the directive.

- 4. Staffing of proposed goals and objectives submitted by the various components.
- 5. Departmental policies affecting personnel.
- 6. Planning issues.
- 7. Training issues.
- 8. General concerns of personnel for clarification, proposed minor changes, etc.
- 9. Concerns regarding specific components.
- 10. Matters requiring group problem solving.
- 11. Contract issues.
- 12. Certain matters require confidentiality, discretion, or special handling by the appropriate personnel. Items of this nature will not be specifically discussed in any way, which might breach a confidence or hamper effective supervision/control. Matters deemed inappropriate for discussion shall be as follows:
 - a. Disciplinary or corrective matters involving a particular individual.
 - b. Specific information concerning Internal Affairs Investigations that has been deemed to be confidential.
 - c. Matters that are appropriately solved through the Chain of Command, rather than in a forum type setting.
 - d. Specifics regarding tactical or confidential operations.
 - e. Specific personnel matters that require any degree of confidentiality.
- 13. The senior executive officer conducting the meeting shall then present any matter he/she deems appropriate and brief those present on issues brought up at the Executive Staff meeting.

8.1.06 Commanders Meetings

- A. Commanders meetings may be held on a quarterly basis or more frequently, when the need arises.

- B.** Personnel required to attend may include Division Directors, Lieutenants, and Sergeants or civilian first-line supervisors. A memorandum shall be placed in the folder in the briefing room that lists the date, time, and place of the meeting as well as a list of the personnel required to attend. A copy of that memorandum will be sent to each affected member for his or her reference.
 - 1.** If affected personnel will not be on duty with sufficient time to read the special orders, the Chief's secretary will notify the appropriate personnel by telephone.
- C.** The purpose of these meetings shall be to advise supervisory personnel of matters impacting the entire department, major changes in policy or structure, or those matters the Chief of Police deems appropriate.

8.1.07 Procedures for Commanders' Meetings

- A.** The meetings shall be set by the Chief of Police or his/her designee, depending upon the matters requiring notice and/or discussion.
- B.** The meeting shall be called to order by the Chief or the presiding senior staff designee.
- C.** The presiding member shall present the necessary information and upon conclusion, open the matter for questions and/or discussion.
- D.** If there are multiple items requiring attention, the presiding staff member shall have the option of holding all questions/discussion until the briefing is concluded.
- F.** Personnel in attendance shall maintain decorum and exhibit appropriate professional attitudes. Only the person recognized by the presiding staff member will speak.

TITLE: LATERAL AND ENTRY LEVEL SELECTION

CODIFIED: 12.1

EFFECTIVE: 09/01/09

PAGES: 6

PURPOSE

The purpose of this directive is to establish a procedure for a fair and equitable selection process for all vacant lateral and entry-level positions with the Espanola Police Department.

DISCUSSION

The selection process is recognized as a vital procedure in determining the overall effectiveness of a law enforcement agency. In order for the process to be successful it must show validity, utility and minimum adverse impact. The process must promote equal employment opportunities for all candidates to employment with the Espanola Police Department.

POLICY

The Espanola Police Department's selection process is based on the City of Espanola Personnel Rules and Regulations, Union Contract and active MOU'S and provides a means to ensure:

- That all personnel actions, including recruitment, selection, and advancement of employees shall be on the basis of Skills, relative Knowledge and Abilities (SKA).
- Fair treatment of all applicants in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, physical or mental handicap and with proper regard for their privacy and constitutional rights as citizens.

PROCEDURE

AUTHORITY

12.1.01 The authority and responsibility for administering the Espanola Police Department selection process for entry is placed directly with the training and recruiting officer.

12.1.02 The training and recruiting officer shall administer entry level selection examinations as necessary and appropriate to obtain an adequate supply of qualified applicants to meet the needs of the Department.

12.1.03 The Espanola Police Department, through the Training and Recruiting Office, shall perform appropriate liaison activities to successfully accomplish the selection process.

12.1.04 The Espanola Police Department maintains the primary responsibility for such selection components as the background investigation (BGI), oral interviews and probationary period assessment.

RESPONSIBILITY

12.1.05 The Chief of Police retains final responsibility for the selection of personnel.

12.1.06 The Chief, through the Training and Recruiting Office, will identify the specific skills, knowledge, abilities and personal attributes required for the positions and the selection of personnel.

SELECTION PROCESS - CIVILIAN

12.1.07 The selection process for civilian positions shall follow the same guidelines as provided for in the City of Espanola Personnel Rules and Regulations.

SELECTION PROCESS - SWORN

12.1.08 The selection process for the Espanola Police Department begins upon receipt of the applications at the Human Resources Office or by the training and recruiting officer.

12.1.09 Applications, upon receipt are logged and kept on file by the recruiting officer.

12.1.10 A letter is then sent which will advise the applicant of applicable information such as testing dates and times, additional qualification requirements and any other information deemed necessary. Applicants will be advised of each step in the hiring process to include:

- Written testing;
- Physical Fitness/Agility testing;
- Oral Interview;
- Conditional Offer of Employment;
- Detailed Background Investigation;
- Polygraph Exam; (if deemed appropriate)
- Psychological Examination; (after hire)
- Drug Screening; (after hire)
- Medical Exam.

12.1.11 From start to finish, the entire selection process may take 2 to 4 months.

Phase I

12.1.12 All qualified applicants will be offered an opportunity to participate in the written examination.

12.1.13 The training and recruiting officer will administer and score the written examination. Applicants receiving a minimum passing score will be offered an opportunity to participate in the Physical Fitness/Agility testing.

12.1.14 Physical Fitness/Agility testing will, at a minimum, evaluate the applicants ability to meet the requirements set forth by the Law Enforcement Training Act. Physical Fitness/Agility minimum thresholds are gender normed and applicants will be evaluated based on their age at the time of testing.

12.1.15 Applicants who meet the minimum physical fitness/agility requirements will be offered an opportunity to participate in the oral interview portion of the testing process.

12.1.16 Oral Boards shall use an established set of questions and scoring device. Each candidate, in the group, being evaluated, will receive the same questions. This does not prevent the questions from changing from group to group.

Phase II

12.1.17 Candidates who move on to phase II will be offered a "Conditional offer of employment" dependant upon successful completion of the following:

- A.** Completed Background Investigation. A detailed background shall be completed verifying all application information and follow up on any information developed during the background.
- B.** Medical Exam shall be conducted to certify the general health of each candidate prior to appointment.
- C.** Drug Screening.
- D.** Psychological Exam, shall be scheduled and conducted by a qualified professional to ensure emotional stability and psychological fitness.
- E.** Polygraph examinations shall be conducted on all sworn applicants. Examinations shall be conducted by and interpreted by examiners trained and licensed in the use of polygraphs.

12.1.18 A Formal Review of each successful candidate will be conducted reviewing all the above criteria and a List of Eligibles shall then be recommended.

12.1.19 The Training and Recruiting Officer will then notify the candidate of their official start date and where and when they begin picking up equipment. This will be done by telephone followed by a letter.

SELECTION PROCESS ADMINISTRATION

12.1.20 The Espanola Police Department training and recruiting officer will assure that any written test used as a device in the selection process is documented as being job related. This is true for any test used or relied upon by the Espanola Police Department, including those that are commercially developed.

12.1.21 The determination of the following will be a matter of cooperation between the City of Espanola Human Resources Director and the Chief of Police:

- Appropriate written, performance or other tests;

- Method of evaluating experience, education and training;
- Weights to be assigned to various parts of the examination.

12.1.22 The examination will represent a proper balance between the specialized knowledge of position requirements possessed by Espanola Police Department personnel and the specialized knowledge of regulatory requirements and testing methods possessed by the Human Resources Department.

12.1.23 The Training and Recruiting Unit will establish for all examinations the minimum performance or cut-off scores.

12.1.24 If there is more than one (1) device used in an examination a minimum performance or cut-off score may be established for each device.

12.1.25 Applicants may be required to attain at least the minimum performance or cut-off score on each device to receive a passing grade or to be rated on the remaining devices of the examination.

12.1.26 The City of Espanola Human Resources Director assures that all elements of the selection process are administered, scored, evaluated, and interpreted in a uniform manner and that the conduct of the examination(s), as well as the operational elements of the selection process, is clearly set forth and carried out uniformly for all candidates.

12.1.27 The Chief of Police, through the Training and Recruiting Unit, will assure compliance by having an active and continuous liaison with the Human Resources Office into the use of all devices used in the selection process.

12.1.28 The Training and Recruiting Unit provides final examination results in the form of numeric or adjective ratings.

12.1.29 The Chief, through the Training and Recruiting Unit, will provide all needed information to support the professional and legal requirements of the applicant testing being job related.

12.1.30 The Police Department will assure that selection material is stored in a secure area when not being used, and maintained for a minimum of three (3) years.

RE-APPLICATION AND RETESTING PROCEDURES

12.1.31 The Training and Recruiting Unit specifies the conditions and procedures for re-application and re-testing of applicants not appointed to probationary status.

12.1.32 It is necessary for an applicant to submit a new application for employment to be considered for any future examinations.

SELECTION PROCESS INFORMATION TO APPLICANTS

12.1.34 The Training and Recruiting Unit will inform all applicants in writing at the time of filing their formal application of all the elements of the selection process.

12.1.35 In addition to providing a written notice of the expected duration of the selection process and a copy of the information required above, the Espanola Police Department will provide standardized information while conducting recruitment activities.

12.1.36 The Espanola Police Department Training and Recruiting Unit will notify in writing those applicants not eligible for appointment to probationary status. This notification will take place within thirty days.

BACKGROUND INVESTIGATIONS

12.1.37 The Espanola Police Department Training and Recruiting Unit will conduct a background investigation (BGI) on all applicants for employment with the Police Department. This investigation will be conducted prior to appointment to a probationary status.

12.1.38 The background investigation will include, but is not be limited to the following:

A. Verification of qualifying credentials:

1. Education.
2. Employment.
3. Age.
4. Residence.

- 5. Citizenship.
- B. Drivers license inquiry with the State of New Mexico, Department of Motor Vehicles, and the state of issue for the applicant's license.
- C. Military Service Record – a copy of the DD214 obtained for file (if applicable).
- D. Criminal records inquiry through National Crime Information Center (NCIC), New Mexico Law Enforcement Terminal System (NMLETS), Espanola Police Department Records Unit and the Santa Fe County/Rio Arriba Sheriff's Department Records Unit. Additional State and local agencies as may be warranted, given the applicants residence at time of application.
- E. Credit inquiry; Personal History Statement.
- F. Employment inquiry with previous employers.
- G. Character inquiry, with at least three (3) personal references.

12.1.39 While it is more reliable to conduct these inquiries in person, telephonic and mail inquiries are appropriate in obtaining some information. Such would be the case if the applicant has relocated from outside the state.

12.1.40 The Espanola Police Department Training and Recruiting Unit will use only sworn personnel to conduct background investigations. These investigators shall receive specific training in the collection of required information.

12.1.41 The Training and Recruiting Unit will document the background investigation by use of a standard Report of Investigation format.

12.1.42 This written report will be submitted for all applicants who have had full consideration for appointment to probationary status.

12.1.43 The Training and Recruiting Unit will provide the Report of Investigation to the Chief of Police for his review and approval. If an applicant is appointed to a probationary status, the Report of Investigation, including the background investigation file, will be placed in the employee personnel file.

12.1.44 If the applicant is not selected for appointment to a probationary status, the Report of Investigation file, is maintained on file for a minimum of five (5) years.

POLYGRAPH EXAMINATIONS

12.1.45 The Espanola Police Department may require applicants for employment, participate in a pre-employment polygraph examination as part of the selection process, **when deemed appropriate**.

12.1.46 These examinations are administered and the evaluation of the results are conducted by Police Polygraph Examiners who meet the certification requirements outlined by the New Mexico Department of Regulation and Licensing to administer polygraph examinations.

12.1.47 Upon the conclusion of the examination, the Polygraph Examiner will provide a Pre-Employment Report. The report will contain information including, but not limited to, the applicant's name, the date of the examination and relevant questions that were asked the applicant.

12.1.48 This report will also include any pretest admissions and a statement by the Polygraph Examiner as to the truthfulness of the applicant.

12.1.49 The results of the Polygraph examination will not be used as a single determinant of employment status. An admission during the pre-test or post-test interview together with other information may be sufficient to support decisions relevant to employment status.

ORAL INTERVIEWS

12.1.50 The Espanola Police Department Training and Recruiting Unit will ensure an oral interview of each applicant is conducted prior to appointment to a probationary status, using valid, useful and nondiscriminatory procedures.

12.1.51 This will be done by the use of a "patterned interview" as established in the examination plan.

12.1.52 The use of rating scales and procedures will be standardized in order to permit valid and useful distinction among applicants and their expected job performance.

12.1.53 Results will be recorded on a standardized form.

12.1.54 The Chief of Police, through the Training and Recruiting Unit, will assist in facilitating the oral

interviews by having individuals who are qualified and thoroughly trained in the content and use of the selection procedure conduct the oral interviews. This does not prohibit the Chief from conducting the oral interviews personally, or participating as a board member.

OCCUPATIONAL QUALIFICATIONS

12.1.55 The Espanola Police Department Training and Recruiting Unit determines that all physical and age qualifications for entry level sworn positions meet the requirements of validity, utility and minimum adverse impact.

12.1.56 Medical standards are established for sworn applicants through the Law Enforcement Training Act. Applicants for sworn positions will be required to undergo a medical examination to determine physical and mental fitness to perform the work of the position for which they are being considered.

12.1.57 A psychological examination shall be conducted on each candidate prior to appointment to the New Mexico Law Enforcement Academy, using valid, useful and non-discriminatory procedures.

12.1.58 Only licensed physicians are used to certify the general good health of an applicant, as well as assess the emotional stability and psychological fitness of the applicants.

DISQUALIFICATION CRITERIA

12.1.59 Any untruthfulness on the part of the applicant/candidate in the recruiting or selection process may result in disqualification for a minimum of one (1) year.

12.1.60 The drug screening test is **mandatory**. Refusal to take the test, or test results reporting a presence of illegal drugs, narcotics or prescription drugs not prescribed to the applicant/candidate will result in disqualification.

PAST NARCOTIC/ILLEGAL DRUG USE DISQUALIFIER

12.1.61 The time frame that governs this subsection will be established as the date the candidate/applicant is administered the written test. Questions regarding

past drug use will be restricted to last date used until a conditional offer has been executed with the applicant.

12.1.62 No use in the last three (3) Years of Any illegal drug use that would amount to a misdemeanor crime if found in possession. This would include such drugs as:

- Marijuana;
- Hashish;
- Mushrooms;
- Peyote;
- Steroids;
- LSD;
- Quaaludes;
- Barbiturates
- Inhalants;
- Poppers/Rush.

12.1.64 No use in the last five (5) Years -- Any illegal drug use which would amount to a felony crime if found in possession. This would include such drugs as:

- Cocaine;
- Crack;
- Amphetamines;
- Methamphetamine;
- Heroin;
- Morphine;
- PCP;
- Opium.

12.1.65 After the conditional offer of employment a candidate may be disqualified after a detailed drug usage interview.

12.1.66 Mitigating circumstances to be considered may include length of time since the usage, age at time of usage, work history and lack of other anti-social behavior. Final approval of disqualification will be made by the Chief of Police.

CRIMINAL ACTIVITY

12.1.67 Criminal activity in which the candidate/applicant has been convicted of, pled guilty to, or entered a plea of nolo contendere to any felony charge, been involved in any prosecution diversion program as adjudicated for a felony crime committed as an adult, will be permanently disqualified.

12.1.68 Any felony in which there is a court ordered deferred sentence with a resulting dismissal of the charge upon completion of some court ordered conditions, will be reviewed on an individual basis.

12.1.69 Any previously unreported felony committed that the applicant, admits to, or is discovered during the course of the background investigation may be an automatic disqualifier.

12.1.70 Candidates/applicants who admit to an undiscovered felony crime, where there is no deception will be considered on a case by case basis. Mitigating circumstances may include the following:

- Severity of the act;
- Number of times committed;
- Age at the time the act was committed;
- Circumstances surrounding the act;
- Other social history factors.

12.1.71 Criminal activity that amounts to a misdemeanor offense where there is no deception on the part of the candidate will be considered on a case by case basis.

12.1.72 Any previously unreported misdemeanor committed that the applicant admits to, or is discovered during the course of the background investigation may be an automatic disqualifier.

12.1.73 Misdemeanor criminal activity involving Domestic Violence or Battery Upon a Household Member in which the applicant has been convicted of, plead guilty to, or entered a plea of nolo contendere will be grounds for disqualification.

TITLE: LATERAL ENTRY/REHIRES**CODIFIED:** 13.1**EFFECTIVE:** 09/01/09**PAGES:** 1**PURPOSE**

To establish parameters governing the eligibility, selection, and classification requirements for lateral and in-grade hires within the department.

DISCUSSION

The department recognizes the value of prior law enforcement experience and the need to compensate qualified employees in a fair and equitable manner, within the guidelines of applicable policies and regulations.

POLICY AND PROCEDURE**13.1.01 LATERAL ENTRY****A. REFER TO CURRENT UNION CONTRACT MEMORANDUM OF UNDERSTANDING (MOU).****13.1.02 RE-HIRES**

- A. Employees who voluntarily resign from the Espanola Police Department under no adverse circumstances, may be rehired to previous rank and pay with all seniority if gone six (6) months or less.
- B. Officers who request employment after a period of six (6) months or more will be required to satisfactorily complete all selection examinations as outlined in the Lateral Hire Program.
- C. Applicants requesting consideration for re-employment will be required to satisfactorily complete the following examinations:
 - 1. Physical agility;

- 2. Comprehensive medical exam;
- 3. Polygraph;
- 4. Psychological evaluation;
- 5. Chief's oral exam/interview;
- 6. Drug screening.

- D. Portions of the entry requirements may be waived by the Chief of Police for applicants seeking re-employment.
- E. Prior employees who allow their New Mexico State Law Enforcement Certification to lapse will also be required to attend the basic certification course at the New Mexico Law Enforcement Academy, and will not be given credit for prior service as outlined in the lateral entry portion of this policy.
- F. Re-hired employees will be subject to all updated department requirements to include, but not limited to, mandatory physical fitness maintenance levels or other policy requirements which "grandfather" current employees.

Drafted (awm) 02/03

TITLE:	SENIORITY
CODIFIED:	15.1
EFFECTIVE:	09/01/09
PAGES:	2
PURPOSE	

It is not always possible to make duty assignment and day off assignment selections on a straight seniority basis; therefore, the Chief of Police retains the authority to assign personnel in any manner deemed advisable. This method will assure that the best interest of the department will be taken into consideration and shall further provide that the member or employee selected for each assignment possesses the minimum qualifications necessary for the assignment.

DISCUSSION

While seniority is a factor to be considered in assignment of personnel, it is of secondary importance to the efficient operation of the Police department as a whole, or a division, section, unit therein. Further it should be secondary to the need of the members and employees to work together in a spirit of harmony and cooperation.

POLICY

It is the policy of the Espanola Police Department to recognize seniority among all personnel based on specific legal criteria and or existing agreements through collective bargaining. Collective bargaining agreements (**AFSCME, CITY OF ESPANOLA**), as it pertains to Seniority will supersede this policy.

PROCEDURE

15.1.01 DEPARTMENT SENIORITY

A. Seniority within the department means the position of an employee within the department in relation to all other employees within the department.

- B. Seniority in rank is the position of command personnel in relationship to other command personnel within the same rank.
- 1. Seniority (Sworn) shall be determined:
 - a. By rank.
 - b. By continuous service in rank.
 - c. By continuous service as a sworn/commissioned police officer with the Espanola Police Department.
- 2. Seniority (Non-sworn) shall be determined:
 - a. By rank or title
 - b. By continuous service in rank/title
 - c. By continuous service with the Espanola Police Department.
 - Continuous service with the Espanola Police Department in civilian status **SHALL NOT** count for seniority purposes upon transfer to sworn commissioned status.

15.1.02 ORDER OF PRECEDENCE

- A. Employees of the same rank will take precedence according to the date of their appointment to their respective rank or grade. Among sworn personnel who are patrol officers or investigators the positions of cadet, probationary officer, non-probationary officer, are separate ranks.
- B. Where two or more members or employees are working together on the same assignment and are of equal rank, such seniority shall not be exercised except in an emergency necessitating it unless, by competent authority, one employee has been designated as being in command.

15.1.03 RANK

- A. Rank is the official grade or position within the department as authorized by the City of Espanola Personnel Rules and Regulations.
- B. Rank is the officers or employees designated position within the organizational structure of the department. The titles of the respective ranks which establish the chain of command within the department are:

SWORN

1. Chief of Police
2. Deputy Chief of Police
3. Lieutenant
4. Sergeant
5. Corporal
6. Detective
7. Police Officer
8. Cadet

NON-SWORN

1. Supervisory
2. Non-Supervisory, to include:
 - a. Executive assistant
 - b. Property Custodian/Fleet
 - c. Crime Scene Technicians
 - d. Animal Control Officers
 - e. Public Safety Aides
 - f. Records personnel

C. All members and employees shall strive to work together in harmony and in a spirit of cooperation rather than by authority and seniority.

Drafted(rgb) 07/09

TITLE: ALTERNATE DUTY ASSIGNMENT**CODIFIED:** 18.1**EFFECTIVE:** 09/01/09**PAGES:** 2**PURPOSE**

The purpose of this directive is to describe benefits available to Department employees as they apply to the City of Espanola and the Department's Alternate Duty Policy.

DISCUSSION

The Espanola Police Department will attempt to assist any member injured in the line of duty, or injured while off-duty. This is to encourage timely return to full duty as well as to minimize Workmen's Compensation claims and/or extended use of Sick Leave for the mutual benefit of the City of Espanola, the Espanola Police Department, and the affected member.

POLICY AND PROCEDURE**18.1.01 ON-DUTY INJURY**

A. Employees who are injured while performing their duties for the City of Espanola may be eligible to return to work on Alternate Duty Assignment in the Police Department under the following conditions:

1. There must be an open or temporary position that the employee is qualified for.
 - a. State law and City ordinance prohibit creation of positions that have not been budgeted in the regular budget process.
2. The assigned Workmen's Compensation Physician must clear the employee, in

writing, and include a list of specific physical abilities and/or limitations.

3. Written approval must be obtained through the office of the Chief of Police in response to a memorandum submitted by the employee who is requesting Alternate duty assignment.
 - a. The list of specific abilities and/or limitations must be attached to the memorandum of request.
4. Approval may not be granted to an employee to continue an alternate duty assignment beyond six (6) months of the date of the work related injury.

B. Employees who are injured while performing their duties for the City of Espanola may be eligible to return to work on Alternate Duty Assignment under the City of Espanola Alternate Duty Assignment Policy under the following conditions:

1. When there are no existing open or temporary positions within the Department for which the employee is qualified or able to perform.
2. When the employee meets the requirements set forth in the City Alternate Duty Assignment policy.

18.1.02 OFF-DUTY INJURY

A. Employees who are injured while off-duty or while performing duties related to outside employment do not have a "right" to Alternate Duty Assignment. The Chief of Police may grant Department Alternate Duty Assignment under the following conditions:

1. There must be an open or temporary position that the employee is qualified for.
 - a. State law and City ordinance prohibit creation of positions that have not been budgeted in the regular budget process.

2. The employee must be cleared by a licensed physician and/or licensed specialist, in writing, to include a list of specific physical abilities and/or limitations.
3. Written approval must be obtained through the office of the Chief of Police in response to a memorandum submitted by the employee who is requesting Alternate duty assignment.
 - a. The list of abilities and/or limitations must be attached to the memorandum of request.
4. Approval may not be granted to an employee to continue a Alternate duty assignment beyond six (6) months from the date of beginning illness/injury leave due to a condition resulting from off-duty activity.

Drafted (rgb) 08/09

TITLE: PERSONNEL CODE OF CONDUCT**CODIFIED:** 23.1**EFFECTIVE:** 09/01/09**PAGES:** 6**PURPOSE**

The purpose of this directive is to adopt and promulgate standards of conduct for Department employees.

DISCUSSION

Personnel of the Espanola Police Department are expected to follow a prescribed code of conduct and to act responsibly while on or off duty. The department holds its personnel accountable for all actions which reflect on the department.

This chapter identifies certain general and specific conduct that is prohibited for employees of the Department. If a particular subject or offense is not addressed in this chapter, the reader should consult the Manual Index for direction to a more appropriate chapter.

POLICY

It shall be the policy of the Espanola Police Department to maintain the highest code of conduct for its personnel. They shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the Department, even though such conduct may not be specifically set forth in this chapter.

The "Canons of Law Enforcement Ethics" established by the International Association of Chiefs of Police and presented in Directive 1.1.01 is hereby adopted as general guidance for, and the standard against which employee conduct is both expected and measured.

PROCEDURE**COMPLIANCE WITH LAWS, RULES, AND REGULATIONS****23.1.01 Duty To Obey All Criminal Laws**

- A. Personnel shall obey all misdemeanor and felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment for the commission of any felony shall be *prima facie* evidence of a violation of this section.
- B. Conviction of any felony or misdemeanor violation shall be considered conclusive evidence of a violation of this section.

23.1.02 Compliance with Departmental Directives

- A. Personnel shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of the department.

23.1.03 Unbecoming Conduct

- A. Personnel shall conduct themselves both on and off duty in such a manner as to reflect favorably on the department.
- B. Conduct unbecoming an officer shall include, but is not limited to:
 - 1. Any conduct which has a tendency to bring the department into disrepute ; or
 - 2. That which may impair the operation or efficiency of the department; or
 - 3. That which tends to diminish public respect or trust for police officers and confidence in the operation of the police department.

23.1.04 Use of Alcohol and Drugs

- A. Personnel shall not store or bring into any police facility or city vehicle any alcoholic beverages, controlled substances, narcotics, or hallucinogens, except as required in the performance of their official duties, or when prescribed for use by a licensed physician or dentist.
- B. Personnel shall not consume any intoxicating beverages on duty, or when utilizing departmental property, except where its use is

required and documented pursuant to a case plan and standard operating procedure.

- C. Personnel are prohibited from consuming alcoholic beverages while operating a city vehicle or eight (8) hours prior to operating such vehicle.
- D. Personnel are prohibited from the consumption of alcohol within eight (8) hours of the employee's scheduled time to report to work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever occurs first, as per Union and City of Espanola contract agreement
- E. Personnel shall not possess or use any controlled substance in violation of city, state or federal law, whether on or off duty. Should an officer be taking prescribed medication that affects duty performance they must either remain off-duty, or if requesting alternate duty, give notice through their chain of command of the nature and effects of the prescription. Management may approve or disapprove the request for alternate duty assignment based on available assignments and effects of the prescription.
- F. Personnel are required to submit to reasonable suspicion alcohol and/or drug testing when directed by the City of Espanola; and prohibited from tampering or attempting to tamper with such alcohol and/or drug testing, as per City of Espanola Rules and Regulations and the Espanola Police Officers Association contract agreement.

23.1.05 **Gratuities, Bribes and Rewards**

- A. Personnel shall not solicit or accept, either for themselves or other personnel, gifts, gratuities, or compensation for services performed in the line of duty, other than that which is paid by the City, or which is allowed by the Personnel Rules and Regulations, unless authorized by the Chief of Police.
- B. The department does not endorse departmental members accepting any items or services free of charge or at a discounted rate that is not available to the general public. Establishments making such offers shall not receive any preferential treatment or official considerations,

and shall be treated the same as any other business or establishment.

- C. Shopping on-duty or off-duty, while in uniform, is discouraged, as it may invite special consideration on the part of the merchant.

23.1.06 **Abuse of Authority**

- A. Departmental members shall not use their official positions to gain entry into any event without paying admission, except in the line of duty. Such events may include, but are not limited to:
 - 1. Sporting events
 - 2. Liquor establishments
 - 3. Places of amusement
- B. Departmental members shall not use their official position or official identification card or badge:
 - 1. To obtain personal or financial gain
 - 2. To obtain privileges not otherwise available to them except in the performance of their duties
 - 3. To avoid consequences of illegal acts
- C. Departmental members shall not use their official positions to coerce any individual into acting in a manner contrary to legal codes.

23.1.07 **Use of Force**

- A. Departmental personnel shall strictly adhere to the department's use of force policy as it is written in the directive 72.1 entitled, "Use of Force".

23.1.08 **Proper Care and Maintenance of Equipment**

- A. Personnel shall at all times be responsible for the safeguarding and proper use of all departmental-issue property. All authorized equipment shall be utilized only for its intended purpose and in accordance with established departmental procedures.
- B. Personnel shall not abuse, or intentionally damage or lose departmental equipment.
- C. Personnel shall operate official vehicles in a careful and prudent manner and shall obey all

laws and departmental orders pertaining to such operations.

23.1.09 Special Consideration, Privilege, Professional Courtesy

- A. Departmental personnel will not give special consideration, privilege, or professional courtesy to other Espanola Police Department personnel or to personnel from other law enforcement agencies, or agencies involved with the Criminal Justice system, when such personnel are alleged to be involved in a violation of any law.
- B. Espanola Police Department personnel who are being investigated in connection with an alleged violation of any law will not solicit special consideration, privilege, or professional courtesy from other Espanola Police Department personnel or from personnel of other law enforcement agencies.

23.1.10 Reporting for Duty

- A. Personnel shall report for duty at the time and place required by assignment or order, and shall be physically and mentally fit to perform their duties.
 - 1. Judicial subpoenas and notice of trial shall constitute an order to report for duty under this section.
- B. Personnel shall be properly equipped so that they may immediately assume their duties. This includes a sufficient number of forms, citations, gasoline and all necessary personal equipment.
- C. Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department or the City as to the condition of their health.

23.1.11 General On-duty Conduct

- A. Personnel shall constantly direct their best efforts to accomplish the functions of the department intelligently and efficiently.
- B. Personnel shall not engage in any activity or personal business which may cause them to neglect or be inattentive to duty.
- C. Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

- D. Personnel shall perform their duties in a manner which will maintain the established standard of efficiency in carrying out the functions and objectives of the department.
- E. Personnel shall notify their supervisor, if possible, or someone else in authority, before leaving their duty station or post for any reason, including illness or injury.
- F. Personnel shall be permitted to suspend their assigned duties, subject to immediate call, for the purpose of having meals during their tour of duty. Meal times shall be assigned by their immediate commander. Commanders may also stipulate where, or how far, the officer may travel to take their meal break and ensure officers do not congregate in one place.

23.1.12 Use of Tobacco

- A. Personnel may use tobacco on-duty as long as they:
 - 1. Are not in formation.
 - 2. Do not have to leave their assignment or post for the sole purpose of doing so.
 - 3. Are not engaged in traffic direction and control.
 - 4. Are not in a designated non-smoking area.
 - 5. Refrain from using tobacco, or obtain permission prior to doing so, from individuals with whom they are in direct contact.
- B. Personnel may not smoke tobacco in or within fifteen feet of any city building point of entry, per City Ordinance or inside any city vehicle per city rules and regulations.

23.1.13 Insubordination

- A. Insubordination consists of any employee who:
 - 1. Willfully neglects or deliberately refuses any lawful order given by a superior officer, or
 - 2. Treats with contempt or is disrespectful in language or conduct towards a superior.

23.1.14 Obedience of Lawful Orders Required

- A. Personnel shall promptly obey all lawful orders of a supervisor given in person or over the

police radio. This will include orders which are relayed from a supervisor through personnel of the same or lesser rank.

B. Personnel who are given an otherwise proper order which conflicts with a previous order, rule, regulation, or directive shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the most recent order shall stand. Personnel shall only be held responsible for the last order given, and shall not be held responsible for disobedience of the previously issued order.

1. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.
2. Personnel shall not obey any order which they know or should know would require them to commit any illegal act.
3. If in doubt as to the legality of an order, personnel shall request the issuing supervisor to clarify the order or to confer with higher authority.

23.1.15 Personal Recommendations or Suggestions

A. Personnel shall not, while on duty, recommend or suggest to anyone, in any manner the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.).

23.1.16 Personal Business Operations

A. While on duty, departmental personnel will refrain from promoting any personal business in which they may be involved. If departmental personnel are asked about a personal business venture they operate, they shall advise the person making the inquiry to contact them when they are off-duty to discuss their personal business.

23.1.17 Impartiality and Fairness in Public Contact

A. Personnel shall never abuse authority by permitting personal feelings, prejudices, animosities, or friendship to influence their decisions.

B. In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.

C. Personnel shall not use coarse, violent, profane, or insolent language or gestures.

D. Personnel shall not express any prejudice concerning race, religion, politics, national origin, life style, or similar characteristics.

E. Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties, and consistent with established department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.

23.1.18 Proper Dress for Duty

A. Personnel shall wear uniforms or other clothing in accordance with established department rules and procedures.

B. Except when acting under proper and specific orders from a supervisor, personnel on-duty shall maintain a neat, well-groomed appearance and shall style their hair according to department regulations.

23.1.19 Telephones

A. Personnel shall have telephones or cell phone and shall report any changes of their telephone number and/or address to their supervisor in written memorandum for routing to the office of the Chief of Police within two (2) working days.

23.1.20 Falsification of Documents

A. Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document which has been filled out in the course of their employment. Written document refers to reports, citations, public records or documents, public vouchers, overtime slips, request for leave of absence, affidavits, or any other written instrument completed by department personnel.

B. A violation of this section may result in prosecution for violation of New Mexico law, including but not limited to Paying or Receiving

Public Money for Service Not Rendered (New Mexico Statutes Annotated 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).

- C. All reports and written documentation will be accurately completed and turned in on time in accordance with established department procedures.
- D. Personnel shall truthfully answer all questions specifically directed to them, and specifically related to the scope of employment and operations of the department.

23.1.21 Long-Distance Telephone Use

- A. Personnel shall follow the telephone long-distance line instructions (use of long distance code) set forth by the City of Espanola and the Espanola Police Department.
- B. Long-distance calls charged to the City shall be for city business only.
- C. City telephones are provided for official city business use. Personal calls shall be kept at a minimum and as short as possible.
- D. Under no circumstances will employees use Departmental telephones to access any "900-" or similar telephone services which result in a toll charge.

CONDUCT ON AND OFF-DUTY

23.1.22 Unauthorized Use of Credentials/Titles

- A. Personnel shall not lend to another person their identification card or badge, or permit their credentials to be photographed or reproduced without the approval of the Chief of Police.
- B. Personnel shall not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

23.1.23 Associations With Non-departmental Individuals

- A. Personnel shall avoid regular or continuous associations or dealings with persons whom they know are under active criminal investigation or

indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or when unavoidable because of other personal relationships.

23.1.24 Participation In Illegal Prostitution, Gambling Activities, Prohibited

- A. Personnel shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment in which the laws of the United States, the State of New Mexico, or the local jurisdiction are violated, except in the performance of duty or while acting under proper specific orders from a supervisor.
- B. Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under the proper and specific orders from a supervisor.

23.1.25 General Guidelines Regarding Departmental Business

- A. Personnel shall not criticize or ridicule the department, its policies, or other personnel in a manner which:
 1. Is defamatory
 2. Is obscene
 3. Is unlawful
 4. Which undermines the effectiveness of the department
 5. Which interferes with the maintenance of discipline
 6. Which is made with reckless disregard for the truth
- B. Personnel shall not present themselves as the official representative of the department, without prior authority.
- C. Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures.

- D. Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charge.
- E. Personnel shall cooperate fully with the investigators in any internal investigation, and shall be afforded all rights and protection provided by law, the union contract, the City of Espanola Personnel rules and regulations, and the department's Directive entitled **INTERNAL AFFAIRS**.
- F. All Police personnel shall be required to immediately submit written notice to the Chief of Police, through their immediate supervisors in the following cases:
 - 1. Arrest and/or conviction on misdemeanor charges.
 - 2. Arrest on felony charges.
 - 3. Receipt of official notice that he/she is a "target" in a Grand Jury Investigation.
 - 4. Indictment on felony charges.
 - 5. This section shall also apply when the arrest, target, or indictment is filed in this, or any other jurisdiction,
 - 6. Conviction on any criminal charges.

23.1.26 Driver's License Requirement

- A. All personnel required to use a motor vehicle for departmental business shall maintain a valid New Mexico driver's license.
- B. The loss of or suspension of one's license to drive shall be reported to his/her immediate supervisor in writing within twenty-four hours.

23.1.27 Identification Required When at the Police Station

- A. Personnel should wear their badge where visible when in the Police building and not in uniform, during normal working hours of 8:00 A.M. to 5:00 P.M. (Monday thru Friday).
- B. When in any Police facility, personnel shall give their name, rank, and duty assignment to any person requesting it.

- C. After normal working hours, all personnel will challenge anyone not readily identifiable within the Police building.

23.1.28 Police Auctions

- A. Personnel shall not attend auctions held at the Police, Sheriff's or state police buildings while on duty hours, while in uniform, or while displaying identification card and/or badge. Personnel shall not purchase items bought by others at such auctions during business hours or within the confines of the Agencies listed buildings.

23.1.29 Chain of Command

- A. Under normal circumstances, when it becomes necessary to officially communicate with a supervisor, personnel will use the proper chain of command.
- B. During an emergency, personnel may bypass their immediate supervisor, but will notify their immediate supervisor as soon as possible.
 - 1. An emergency does **NOT** include disagreements which should be rectified by the supervisor's direct supervisor. There is an absolute right to seek assistance from that supervisor. However, the chain of command dictates that the individual commander be notified of the intended bypass.

23.1.30 Crime Scene Photography for Personal Use

- A. Personnel shall not photograph any crime scene or police-related investigation by video tape, motion picture, or still film process, for their personal use.

23.1.31 Unauthorized Release of Police Documents

- A. Personnel shall not release any documents of the Espanola Police Department for use in any hearing or court, unless a judicial subpoena or court order has been issued, or the release has been approved by the City Attorney or the Chief of Police.
- B. Nothing in this section prohibits the release of reports provided in the Directive, under Records and Forms.

(23.1.32 Employee Emergency Information

A. Personnel shall have emergency information on file in their respective personnel files within the office of the Chief of Police. Each employee shall be responsible for updating the information as required by policy, i.e. departmental phone listings.

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TITLE:	INTERNAL AFFAIRS
CODIFIED:	26.1
EFFECTIVE:	09/01/09
PAGES:	5

PURPOSE

In recognition of the need to maintain departmental integrity, the Internal Affairs Unit is created and charged with the responsibility of impartially and objectively investigating all allegations of malfeasance, non-feasance, and misfeasance brought against any member of this department.

The Internal Affairs Unit will conduct investigations into allegations of misconduct as outlined herein for the purpose of providing the Chief of Police with a means of impartially assessing employee actions to ensure compliance with departmental rules regulations, to enforce internal discipline, and to provide a vehicle through which citizen concerns may be equitably evaluated and judiciously addressed.

DISCUSSION

A system to review and investigate complaints and allegations is essential to establish and maintain the confidence of the citizens of the City of Espanola, in order to protect the integrity/rights of the Department employees and to protect the public from police misconduct

POLICY

It is the policy of the Espanola Police Department to maintain internal discipline, open lines of communication with the general public, and encourage citizens to freely express concerns or complaints of misconduct, malfeasance, or other inappropriate conduct by members of the Espanola Police Department. All members of the department are responsible for ensuring departmental integrity and assisting in the expeditious response to citizen complaints in a fair and impartial manner.

PROCEDURE

ORGANIZATION & STAFFING

26.1.01 The Internal Affairs Unit is staffed by one sergeant or lieutenant who reports directly to the Chief of Police and is responsible for its management and operation.

- A.** Under certain conditions, the Chief of Police may appoint other police personnel, to conduct an Internal Affairs Investigation.
- 1.** Circumstances are listed as, but not limited to absence by the IA Sergeant/Lieutenant; the existence of multiple complaints at one time; the existence of a possible conflict of interest.

RESPONSIBILITIES & DUTIES

26.1.02 The Internal Affairs officers are responsible for performing the following duties in accordance with department policies and all applicable laws:

- A.** Recording, registering, and controlling all alleged or suspected misconduct complaints against the agency and its employees;
- B.** Supervising and controlling the investigation of alleged or suspected misconduct within the department;
- C.** Overseeing the investigation of complaints into violations of department policy assigned to personnel outside of the Internal Affairs Unit;
- D.** Maintaining the confidentiality of the Internal Affairs Investigation;
- E.** Maintaining all records pertaining to internal investigations in a secure area within the Internal Affairs Unit.
- F.** Take all proper precautions to ensure the security of these records. These records shall be stored separate and apart from personnel records
- G.** Administering, maintaining and investigating civil actions brought against the department;

H. Disseminating information to the public on procedures to be followed in registering complaints against agency employees.

26.1.03 The Public Information Officer and the Crime Prevention Unit shall disseminate information to the public on procedures for registering complaints against the Department and its employees.

AUTHORITY

26.1.04 The Internal Affairs officers have been delegated the authority to investigate all allegations of misconduct. Misconduct is an act or omission by an employee which if proven would normally result in some form of employee discipline or remediation. This would include:

- A. Violation of Department or City policy, procedure, rule, regulation,
- B. Neglect of duty,
- C. Conduct which may tend to reflect unfavorably upon the employee and/or department, or
- D. Commission of a criminal act/misconduct.

26.1.05 The most severe sanction, which may arise out of an Internal Affairs Investigation/administrative investigation, is loss of employment.

26.1.06 Investigations will be addressed as follows:

- A. Employees under investigation will be advised of the nature of the allegation and the investigation in writing.
- B. Employees under investigation are required to answer all questions truthfully, even if the answers may result in departmental sanctions. Failure to answer questions truthfully will result in disciplinary action, including termination. The officer's compelled statement shall be used only for administrative purposes.
- C. An employee may not claim a 5th amendment privilege to avoid self-incrimination during an administrative investigation as the employee's compelled statement may not be used, under any circumstances, for the criminal prosecution of an employee.
- D. All formal complaints investigated by the Internal Affairs Unit will be brought to the

attention of the Chief of Police, via memorandum, within one (1) working day of the receipt of the complaint.

E. Concurrent Investigations

1. Some situations may require that an incident be investigated both administratively and criminally. The administrative portion of the incident will be investigated internally and the criminal allegations will be investigated by an outside law enforcement agency. In cases where investigations are launched for both purposes, the employee will be clearly informed of the purpose of any contact and the employee's rights at the time of contact.
2. The Internal Affairs officers will be the designated department liaison with the District Attorney's Office or outside law enforcement agency if a department employee is also under criminal investigation.
3. The Internal Affairs Officers will be responsible for the administrative investigation only.
4. Absolutely no investigative findings may be provided to the agency or person investigating alleged criminal activity by the Internal Affairs Officers, nor will any contact(s) be made by both a criminal investigator or administrative investigator at the same time.

INVESTIGATION

26.1.07 A valid complaint can come from both an external and internal source and must be:

- A. An allegation from any source of circumstance(s) amounting to a specific act or omission which if proven true would amount to employee misconduct, or
- B. An expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standard of the department.

NOTE: A disagreement simply over the validity of a traffic/vehicle code citation is not

grounds for the initiation of a personnel complaint. The complaining person should be advised that this is a matter for adjudication by the proper court system.

- C. All complaints as specified above will be recorded and investigated. Investigation of complaints shall be initiated upon receipt of a complaint by a citizen or member of the department, an anonymous complaint (with the approval of the Chief of Police), incidents requiring investigation as determined by policy, and other incidents and/or situations as determined by the Chief of Police.
- D. All investigations shall afford officers their rights and stipulations as set forth with the City of Espanola Personnel Rules and Police Officers Union Contract.

26.1.08 Complaints, allegations, or inquiries are classified into two (2) categories: formal complaints and inquiries.

A. Formal Complaints

- 1. Complaints or allegations of employee misconduct which fall within one of the following areas may be classified as formal complaints:
 - a. Unnecessary or the excessive use of force
 - b. Discrimination
 - c. Violations of department rules and regulations, City Personnel Rules and Regulations, or criminal statutes.
- 2. All formal complaints will be recorded, assigned a case investigation number, logged on the Internal Affairs case assignment log, and reported to the Chief of Police, via memorandum, within one day of their receipt.

B. Inquiries

- 1. Inquiries are concerns expressed of a general nature and not necessarily attributed to any specific action by a department employee, or which have no complainant, or where the complainant does not desire to pursue any action beyond the initial contact.

- 2. Inquiries shall be recorded, numbered, and logged on the appropriate inquiry record and shall be investigated accordingly.
- 3. Complaints or allegations categorized as inquiries may be referred to an employee's immediate supervisor for investigation and corrective action, if appropriate. Inquiries will be documented, via memorandum, and maintained in the Internal Affairs files by the Internal Affairs Officer.

C. Operational Complaints

- 1. Employee actions or conduct resulting in complaints of poor performance, attitude and demeanor, or enforcement of department policies viewed by the complainant as unfair or inequitable, shall be classified as an operational complaint.
- 2. Operational Complaints generally fall within the purview of supervisor domain and may be referred to the accused employee's supervisor for investigation.

AUTHORITY TO DISCIPLINE

26.1.09 Lieutenants, Sergeants and Civilian Supervisors have the authority to discipline employees in the form of verbal counseling, verbal or written reprimands, and emergency suspension.

26.1.10 Suspension, demotion, and dismissal may be recommended by a supervisor on the prescribed form to the Chief of Police or his designee is authorized to impose additional disciplinary action as prescribed by the Espanola City Personnel Rules and Regulations.

26.1.11 Emergency suspension of a subordinate may be imposed by a supervisor and/or commanding officer only in situations where the suspended member is physically or mentally unable to perform his/her duties and/or the employee is alleged to have committed severe infractions of the department's policies and procedures.

26.1.12 If an emergency suspension is imposed, the suspended employee and the supervisor will present themselves at the Chief's Office no later than 9:00 AM on the next working day. The Chief of Police must approve an emergency suspension that will extend beyond one (1) workday.

DUTY STATUS DURING INVESTIGATION

26.1.13 The Chief of Police, in the best interest of the department, may elect to take any of the following actions concerning an employee's duty status during an Internal Affairs investigation:

- A.** Continue the employee on duty as assigned.
- B.** Continue the employee on duty in another assignment.
- C.** Impose administrative leave with pay upon an employee pending the results of the investigation and/or subsequent department proceedings.
- D.** Impose administrative leave without pay based on the severity of the alleged violation and with the approval of the City Manager and the City Attorney and as prescribed in the City Personnel Rules and Regulations.

EMPLOYEE RIGHTS

26.1.14 All Internal Affairs investigations shall be conducted fairly and impartially and in compliance with the New Mexico State Peace Officer Employer-Employee Relations Act. The Act affords certain rights to employees who are under investigation by his/her employer for alleged actions, which could result in administrative action.

- A.** The requirements for the investigation of a employee are as follows:
 - 1.** Any interrogation of an employee shall be conducted when the employee is on duty or during his/her normal working hours, unless the urgency of the investigation requires otherwise.
 - 2.** Any interrogation of an employee shall be conducted at the employer's facility, unless the urgency of the investigation requires otherwise.

B. Prior to commencement of any interrogation session:

- 1.** An employee shall be notified in writing of the nature of the allegations and employees rights and responsibilities relative to the investigation;
- 2.** An employee shall be informed of the name and rank of the person in charge of the interrogation and all other persons who will be present during the interrogation;
- 3.** The names of all known complaints shall be disclosed to the employee unless the Chief of Police determines that the identification of the complainant shall not be disclosed because it is necessary for the protection of an informant or because disclosure would jeopardize or compromise the integrity or security of the investigation; and
- 4.** A reasonable attempt shall be made to notify the employee's commanding officer or supervisor of the pending interrogation.

C. During any interrogation session, the following requirements shall be adhered to:

- 1.** Each interrogation session shall not exceed two (2) hours unless the parties mutually consent to continuation of the session;
- 2.** There shall not be more than two (2) interrogation sessions within a twenty-four hour period, unless the parties mutually consent to additional sessions, provided that there shall be at least a one-hour rest period between the sessions;
- 3.** The combined duration of an employee's work shift and any interrogation session shall not exceed fourteen hours within a twenty-four hour period, unless the urgency of the investigation requires otherwise;
- 4.** There shall not be more than two (2) interrogators at any given time;
- 5.** An employee shall be allowed to attend to physical necessities as they occur in the course of an interrogation session; and

6. An employee shall not be subjected to offensive language or illegal coercion by his interrogator in the course of an interrogation session.

D. Any interrogation of an employee shall be recorded, either mechanically or by a stenographer, and the complete interrogation shall be published as a transcript. Any recesses called during the interrogation shall be noted in the transcript.

E. An accurate copy of the transcript or tape shall be provided to the employee, upon his written request, no later than fifteen working days after the investigation has been completed.

F. After reviewing all the information collected in the course of an investigation of an employee, the Chief of Police may order the employee to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:

1. All other reasonable investigative means have been exhausted; and
2. The employee has been advised of the administrator's reasons for ordering the polygraph examination.

G. When any employee is under investigation for an administrative matter, the employee shall be permitted to produce any relevant documents, witnesses, or other evidence to support his case and he may cross-examine any adverse witnesses during any grievance process or appeal involving disciplinary action.

26.1.15 Upon conclusion of the investigation, both the complainant and the employee shall receive, in writing, the conclusion of fact and the disposition of the allegation.

A. The investigation shall be classified as one of the following:

1. Sustained - The allegation is supported by sufficient proof.
2. Not Sustained - The evidence is insufficient to prove or disprove an allegation.
3. Unfounded - There is no basis for the complaint. Not founded in fact or truth.

4. Exonerated - Conduct was proper, cleared of all allegations.

26.1.16 If an officer is being questioned as a "witness" during an investigation and it is subsequently discovered by the internal affairs investigator that the officer may have violated police policy, a letter will be written to the officer giving him/her the opportunity to provide the department with additional information and an explanation before any violation is sustained by the chief.

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TITLE: DISCIPLINARY PROCEDURES

CODIFIED: 27.1

EFFECTIVE: 09/01/09

PAGES: 6

PURPOSE

The Espanola Police Department, in conjunction with the City of Espanola, has adopted a disciplinary system designed to achieve the following goals:

- Provide training as a means of improving productivity;
- Offer counseling in an effort to assist employees with matters which may be affecting their performance;
- Assure consistency when sanctions must be imposed;
- To standardize the disciplinary process.

DISCUSSION

Discipline is often thought of in a limited sense as meaning punishment or penalty, a negative connotation. However, discipline also means instructing, teaching and training. Its main purposes are to facilitate coordination of effort, develop self-control and character, and foster orderliness and efficiency. One of the primary measures of the level of discipline within a law enforcement agency is the orderliness with which it operates.

Discipline is interdependent on two other states of mind that influence behavior, those of morale and esprit de corps. All are of equal importance and each may flow from the other or each may adversely affect the others. High morale is usually accompanied by a high level of discipline and esprit de corps. Neither a high level of morale nor esprit de corps commonly accompanies a poorly administered disciplinary program. When these three occur together at a favorable level, however, efficiency will follow in direct proportion.

POLICY

It is the policy of the Espanola Police Department that discipline shall be characterized as corrective rather than punitive, and that disciplinary action is but one of the elements of an overall program to educate Department employees and promote proper conduct.

PROCEDURE

All disciplinary procedures shall conform with the current union contract and the City of Espanola Personnel Policy. Any conflict between this policy and the applicable union contracts or personnel rules and regulations will be resolved by complying with the applicable contract or rules and regulations.

ADMINISTRATION RESPONSIBILITY

27.1.01 The Chief of Police and Division/Section Commanders shall review all recommendations for disciplinary action which are forwarded through the chain of command. The review includes an assessment of the alleged violations, the supervisors' recommendations, any mitigating or aggravating circumstances that exist, and a determination that a preponderance of evidence exists to believed that the alleged violation occurred.

27.1.02 The City Manager retains the final authority in regards to any recommendation for discipline. The Chiefs Recommendation will be forwarded to the Human Resources Division.

27.1.03 When circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

27.1.04 All disciplinary action shall require approval of the City Manager before implementation. Whenever such approval is not practical because of urgent circumstances, necessary action may be taken

and the situations reviewed with the City Manager as soon as practical.

RESPONSIBILITY OF MANAGEMENT

27.1.05 All supervisors and commanders have the duty to take corrective action or to submit a written report to their Division/Section Commander, whenever they learn through personal observation or through report of any violation of the City of Espanola Personnel Policy, City of Espanola Safety Manual, Police Department Directives, State law or Municipal ordinance by any member of this Department.

A. Failure of a supervisor or commander to immediately take action (as described above) for any violation coming to his/her attention regardless of the supervisor's or affected employee's assignment or rank, is grounds for disciplinary action.

27.1.06 Supervisory and command personnel who receive an allegation of misconduct shall conduct the preliminary investigation and forward the complete report to the appropriate personnel in a timely manner.

27.1.07 Command personnel who receive a completed investigation will forward the report to the Office of the Chief of Police who, at his/her discretion, may forward the report to the Internal Affairs Officer for further investigation.

RESPONSIBILITY OF DEPARTMENT MEMBERS

27.1.08 All personnel shall acquire a working knowledge of the Espanola Police Department Directives Manual. Ignorance of any provision of the Directives Manual shall not be considered an excuse or serve as a defense for a violation of these materials.

27.1.09 All personnel are required to immediately report observation of any violations of the Directives Manual or State/Municipal law to their supervisor or commander.

27.1.10 Any member may be required to submit to the following procedures/examinations or tests if ordered in writing, by the Chief of Police, when the

procedures/examinations are specifically directed and narrowly related to a particular internal investigation.

- A. A drug test to include, but not limited to, the breath/alcohol testing device, or a blood/fluid test in a licensed medical facility, when it is necessary to determine drug use by an agency employee.
- B. Any medical, laboratory and/or polygraph tests that directly relate to proof of allegations against an employee.
- C. Any member may be required to be photographed when under internal affairs investigation if identity of an accused is an issue.
- D. Any Vehicle Mounted Camera System video may be utilized which may directly dispute or prove allegations of misconduct.
- E. Any member may be ordered to participate in a line-up as part of an internal affairs investigation if identity of the accused becomes an issue.
- F. Related costs of these examinations and/or procedures will be borne by the agency, unless the member requests the test on his/her own.

PROGRESSIVE DISCIPLINE SYSTEM

27.1.11 TEMPORARY, EMERGENCY AND PROBATIONARY EMPLOYEES

A. City of Espanola Personnel Rules and Regulations state that all emergency, temporary and probationary employees may be suspended, demoted, or terminated for any reason the employer deems appropriate, as long as the procedures outlined in City Personnel Rule 3.3 B3 are adhered to.

27.1.12 CLASSIFIED EMPLOYEES

- A. Classified employees may be reprimanded, suspended, demoted, or terminated only when there is just cause.
- B. Official oral and verbal reprimands must be issued on the Disciplinary/Corrective Action forms designated by the Human Resources Director and placed in the employee's Personnel file.

C. Complaints or disagreements concerning oral and written reprimands may be addressed through the informal grievance procedure as outlined in the agreement between the City of Espanola and the Espanola Police Officers AFSCME local 923 and/or the City of Espanola Personnel Policy.

D. The City of Espanola Personnel Policy lists examples of just cause as type of behavior that may result in corrective or disciplinary action. They include, but are not limited to:

1. Violation of or failure to comply with the Federal or State Constitution, Statutes, or City Ordinances;
2. Careless, negligent, or improper use of City property, equipment or funds;
3. Failure to comply with or accept a reasonable proper assignment from an authorized supervisor;
4. Inability to perform job requirements;
5. Disorderly conduct or threats or abuse of others;
6. Chronic tardiness;
7. Use of undue influence to attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage;
8. Unauthorized leave;
9. Failure to obtain and maintain a current license or certificate as a condition of employment;
10. Intentional falsification or mishandling of City Records; written or electronic media.
11. Unauthorized or illegal use, sale, or possession of alcohol or illegal drugs, or being under the influence of such substances while on duty;
12. Harassment or intimidation of any person; or
13. Action which reflects poorly upon the integrity of the City of Espanola.

E. The Espanola Police Department has assigned appropriate sanctions to specific policy/procedure violations, which are outlined in the Department Directives. Unless there are mitigating or aggravating circumstances, supervisors or commanders shall follow the documented guidelines for disciplinary/corrective action in these areas.

F. Violations and/or deficiencies not covered by the above listed guidelines may be subject to the principle of progressive discipline. Options available to commanders/supervisors include individual action or a combination of actions, as appropriate. The options available include, but are not limited to:

1. Counseling (informal – may or may not be reduced to writing in the form of a memo/counseling form).
2. Assisting the employee in obtaining counseling through self-referral to the Employee Assistance Program (EAP).
3. Training – referral for additional, remedial, or in-service training as stated in Section 27.1.03.

G. Supervisors and Commanders shall provide recommendations for disciplinary action and may impose emergency relief from duty when appropriate.

H. Upon receipt of a formal recommendation for disciplinary action by a commander or supervisor, the Chief of Police may recommend the following discipline, subject to provisions set forth in the City of Espanola Personnel Rules and Regulations:

1. Oral/Written reprimands;
2. Suspension without pay and/or reassignment (mandatory transfer);
3. Demotion in rank or grade;
4. Dismissal from the Department;
5. Reimbursement (this is not a progressive step, but is an alternative when an employee acts in an inappropriate manner to the extent that the Department realizes a financial loss).

EXAMPLE – Loss or damage of a Department issued weapon or other issued equipment when negligence is ruled to be the cause).

PROCEDURES FOR DISCIPLINARY ACTION

27.1.13 Supervisors/Commanders will identify and charge the employee with the primary sections of the law, or directive that covers the major violation. Lesser violations that are fully included in the primary infraction should not be considered when making a recommendation.

27.1.14 Supervisors/Commanders intending to impose disciplinary action will consult the appropriate directive to ascertain whether or not there are imposed sanctions listed. If sanctions are not listed, the supervisor shall then prepare his/her recommendation in line with the progressive steps listed above. To determine the appropriate discipline, the supervisor will:

- A. Consider the seriousness of the act or omission;
- B. Consider any mitigating or aggravating circumstances that warrant deviation from the progressive steps. In the event these circumstances exist, the commander/supervisor must articulate the reasons for deviation on the Disciplinary form;
- C. Consider the disciplinary record of the individual involved;
 - 1. Specifically, the Commander/Supervisor will review the employee's disciplinary record for the previous six months to assure that there are no current oral reprimands for the same or similar offense(s).
 - 2. The Commander/Supervisor must also determine that there have not been written reprimands, suspensions, demotions or reassignment within the preceding twelve (12) months.
 - 3. Whenever previous disciplinary actions for violations of any law, policy or procedure are still active and a subsequent violation of a law, policy or procedure occurs, the subsequent violations will be sanctioned at the next higher level of discipline.
- D. Consider past practice for similar violations. The City Attorney can be consulted to research past practice.

E. If multiple violations (other than lesser-included violations) arise from the same incident or investigation, each violation shall be sanctioned separately by applicable discipline categories. Therefore, both reprimands and suspensions, for instance, can be administered for separate violations arising out the same incident;

VERBAL COUNSELING

27.1.15 All supervisors have the discretion to administer verbal counseling for minor infractions. A minor infraction shall mean those violations which would result in a verbal reprimand, or less, for the first violation.

A. Supervisors will complete the proper Officer Conference Form with all necessary information in the text.

27.1.16 The Supervisor/Commander initiating the action shall meet with the employee and explain the disciplinary process.

A. When an oral reprimand is recommended, it will be explained; the action taken is intended as a oral reprimand, even though it is documented in written form.

B. Personnel will be counseled that more severe disciplinary action will be taken for repeated infractions or omissions of the same nature.

C. The Officer Conference Form shall be maintained by the supervisor/commander for a minimum of three months

LETTER OF COUNSELING

27.1.17 A Letter of Counseling is a corrective action tool that can be used in cases that are more serious than those for which a Verbal Warning would be appropriate, but are less serious than those cases for which a Written Reprimand would be appropriate.

A. A Letter of Counseling is to be kept in the employee's department file for a minimum of three months.

WRITTEN REPRIMANDS

27.1.18 Supervisors/Commanders will complete the proper Disciplinary/Corrective Action form and shall

meet with the employee to explain the disciplinary process.

27.1.19 The Disciplinary/Corrective Action form will then be routed through the chain of command for signatures, and will then be routed to the office of the Chief of Police. The Chief shall make a final decision regarding recommendation which he/she shall forward to the Human Resources Director.

SUSPENSION, DEMOTION, TERMINATION

27.1.20 The same steps as outlined for Written Reprimands will be followed.

27.1.21 An employee has a right to appeal in these cases, as a property right is effected, as outlined in the Personnel Rules and Regulations regarding disciplinary actions and the appeal process.

A. The appeal process begins when the employee requests a Pre-Determination hearing.

27.1.22 When employee misconduct results in dismissal from the department, the following information shall be made available to the member:

- A.** Reason for dismissal;
- B.** Effective date of dismissal;
- C.** Status of fringe and retirement benefits after the dismissal, will be made available through the City of Espanola Human Resources office;
- D.** Content of the employee's record of employment relative to the dismissal.

PRE-DETERMINATION MEETINGS

27.1.23 When an employee requests a pre-determination hearing, the supervisor/commander shall schedule a hearing with the Chief of Police within (5) days and shall maintain possession of the Disciplinary/Corrective Action form until the time of the hearing. An employee shall be notified in writing at least (48) forty-eight hours prior to the date and time of the pre-determination meeting. The notice shall disclose the proposed disciplinary actions and shall state the time, place and date of the meeting.

27.1.24 The meeting shall be informal and shall be conducted by the Chief of Police or his designee. The employee may be represented by a person of their choosing.

27.1.25 The purpose of the hearing is to provide the employee with a reasonable opportunity to address the reasons for the proposed disciplinary action.

- A.** The hearing may be waived by the employee in which case the disciplinary action is effective immediately.
- B.** The Chief of Police, or his/her designee, shall render a final recommendation within (5) five calendar days of the hearing, and forward the recommendation to the City Manager. The City Manager shall render a final decision within (5) five calendar days. Any time prior to the final decision the employee may file a written response.

DISCIPLINARY RECORDS

27.1.26 All disciplinary records shall be maintained in the employee's personnel file (Police Administrative Office). Retention, access, and confidentiality shall be maintained in accordance with the Personnel Policy, the Department Directive entitled, "Employee Personnel Files", and any applicable sections of the Records Retention Act. For details refer to the appropriate sections.

- A.** The employee may request that documentation of a suspension be removed from his/her file if (1) year has passed since the last offense.
- B.** An employee may request that documentation of a demotion be removed from his/her file if (2) one year has passed since the last offense.
- C.** The appropriate union contract and personnel rules and regulations shall govern removal of documentation of suspensions, demotion or dismissals
- D.** An employee may request documentation of disciplinary action be removed from his/her file as outlined in union contracts and personnel rules and regulations.

MISCELLANEOUS

27.1.27 In all cases involving a sustained violation from an internal affairs investigation the commander

shall have up to one month from the time they receive the file for review, to administer the Corrective Action/Discipline on the affected employee.

27.1.28 For disciplinary recommendations that are a result of a sustained internal affairs investigation, the person who was the employee's lieutenant at the time of the violation will be responsible for recommending corrective action. In the event of a sustained violation on a higher ranking officer, the employee's direct supervisor at the time of the violation is responsible for administering corrective action. The Chief of Police may designate an alternate person to administer corrective action as he/she deems necessary.

27.1.29 Personnel who initiate a complaint against a supervisor shall contact the commander/supervisor of the person the complaint is directed against; a Division/District Commander or the Chief of Police.

27.1.30 All commanders and supervisors are authorized to immediately relieve employees from duty in cases of serious violations of law, policy and/or procedure. Emergency relief from duty should only be used when the commander/supervisor cannot utilize normal channels of discipline and the offense is so severe as to warrant immediate action.

CONDUCT DURING SUSPENSION

27.1.31 During the period of suspension, personnel will not wear any identifiable part of the official uniform.

27.1.32 Upon being placed on suspension, personnel will surrender their badge of office, take home vehicle and all assigned weapons.

27.1.33 Personnel will not act in any official capacity nor represent themselves as Police Officers while on suspension.

Drafted(rgb)07/09

TITLE: GRIEVANCE PROCEDURES**CODIFIED:** 28.1**EFFECTIVE:** 09/01/09**PAGES:** 1**PURPOSE**

The purpose of this directive is to establish the policy and procedure for employee complaints in accordance with existing contracts and City of Espanola Rules and Regulations.

DISCUSSION

It is an obligation on the part of all Police Department employees to provide efficient and continuous service to the citizens of the City of Espanola. Positive employee morale is an important factor in maintaining a high level of public service, and the efficiency and productivity of the organization are measured in part by the employee's constructive attitude about the organization and his or her willingness to work cooperatively with other employees and supervisors.

Grievances and appeals constitute channels of communication, informing supervision and management about things which employees feel strongly. It is advantageous to the Chief of Police to make it an easy process to present grievances. Employees shall be encouraged not only to present their grievances but also to present them while they are still timely.

POLICY

Grievances can be categorized into both formal and informal types. Informal grievances must be exhausted before formal grievances are begun. The applicable union contracts, and personnel rules and regulations shall govern procedures and responsibilities regarding types of grievance.

TITLE: SUPPLEMENTARY EMPLOYMENT**CODIFIED:** 29.1**EFFECTIVE:** 09/01/09**PAGES:** 3**PURPOSE**

The purpose of this directive is to provide guidance and direction when engaged in extra-duty, off-duty, and departmental overtime.

This directive establishes:

- Procedures by which private citizens, business and organizations will secure extra-duty law enforcement services;
- Procedures which ensure that Officers are mentally and physically prepared to fulfill their primary on-duty assignments.

DISCUSSION

For the purposes of clarity, the following terms are defined:

OUTSIDE EMPLOYMENT: Outside business activity or employment wherein the use of law enforcement powers is not authorized.

Outside Employment by Officers is not an inherent right, but a privilege that can be granted or revoked at the discretion of the Department. The Espanola Police Department allows Officers to participate in outside employment in accordance with this directive.

The primary obligation and responsibility for all Espanola Police Department personnel is to their on-duty assignments with the Department.

OVERTIME: Employment beyond scheduled work hours which is directly related to the Officers assignment or Espanola Police Department needs.

Example: Fill in for an Officer due to sick leave.

POLICY

It is the policy of the Espanola Police Department to allow its employees to participate in overtime (extra duty) and off-duty employment in accordance with approved Union contracts.

All supplementary employment must be consistent with the guidelines and restrictions established to ensure that an employee's primary duty and obligation is to the Department and that there is nothing that could become a conflict of interest.

PROCEDURE

29.1.01 All overtime employment shall be scheduled through the Espanola Police Department and shall be paid at the overtime rate or the officer will be provided compensatory time as approved by the Chief and in accordance with Directive 17.1.

29.1.02 All reimbursement for extra-duty employment shall be billed through the Espanola Police Department. Direct payment to the Officer is prohibited.

29.1.03 Overtime employment scheduling shall be centralized through the Administrative Lieutenant.

29.1.04 The Administrative Lieutenant shall insure that outside detail billing is in accordance with City of Espanola Finance Department Rules and Regulations.

29.1.05 All Department directives apply during all overtime assignments. Officers shall be considered as on-duty during the overtime employment and shall dress and act accordingly.

29.1.06 Unless otherwise pre-authorized, the Officer shall be in uniform and drive a marked vehicle.

29.1.07 Scheduled Overtime details shall be deemed scheduled work hours. Failure to respond to an Overtime assignment when scheduled shall be considered absence without leave and subject to disciplinary action.

29.1.08 It is the scheduled Officers responsibility to find a replacement for any detail which the Officer cannot attend.

29.1.09 Officers shall notify the Communications Center of the location of the detail when coming into service, unless a Commander approves a secure operation.

29.1.10 Officers will have to sign-up on a quarterly basis and will be notified of the current sign-up period through memorandum placed in the Special Orders.

A. Both voluntary and mandatory overtime assignments will be made in accordance with the appropriate union contract.

29.1.11 No employee may take time off in order to volunteer for overtime assignments with the intent of receiving overtime compensation.

29.1.12 Compensation is not authorized for meal breaks during any extra-duty or overtime assignments.

29.1.13 Supervisors who are working overtime assignments are responsible for all matters of police supervision at the assignment.

29.1.14 Patrol supervisors will monitor all overtime assignments in their districts and will be responsible for appropriate supervision where a supervisor is not assigned.

29.1.15 Officers shall be protected by all insurance agreements and workmen's compensation statutes while engaged in department related, authorized and assigned overtime duty and shall be compensated for all official and legal proceedings arising out of any enforcement action taken during the course of overtime duty assignment.

HOURS OF WORK

29.1.16 Officers working an overtime assignment shall not work in excess of eighteen (18) total hours within a twenty-four (24) hour period. Each twenty-four hour period shall begin at midnight (2400). These hours are cumulative. They include normal work hours, extra-duty work hours, off duty employment work hours and overtime hours.

29.1.17 Any request for deviation from this requirement must be made in writing and approved by the employee's supervisor and the Chief of Police.

BILLING CONTRACT

29.1.18 A billing contract/agreement shall be completed and signed for all details being paid by an outside vendor. The contract/agreement shall contain, whenever practical, the following:

- A.** Hourly rate;
- B.** Method of payment;
- C.** Result of non-payment;
- D.** Billing address;
- E.** Detail information;
- F.** Recall of Officer in case of emergency.

29.1.19 In certain instances, the Police Department may require pre-payment of a portion or all of the expected costs before an Officer is assigned to the detail. The criteria for prepayment shall be established in conjunction with Finance Supervisor.

29.1.20 The Police Department shall not enter into a contract for law enforcement services with any business whose primary source of income is the sale or service of alcohol or adult entertainment.

OVERTIME FORMS

29.1.21 Overtime forms must be turned in by each employee engaged in overtime and extra-duty employment.

OFF-DUTY EMPLOYMENT

29.1.22 Non-probationary employees intending to engage in off-duty employment must submit the "Request for Permission to Engage In Outside Employment" form, through his/her chain of command, to the Office of the Chief of Police.

29.1.23 Failure to submit the required request or engaging in business prior to submitting the form, may result in the immediate denial of outside employment and/or disciplinary action.

29.1.24 The "Request for Permission to Engage in Outside Employment" form must be renewed and

submitted each year on the anniversary date of initial approval.

29.1.25 Employees are prohibited from participating in any form of outside employment while they are on duty. This includes, but is not limited to:

- A. Telephone calls;
- B. Interviews;
- C. Appointments;
- D. Paperwork.

29.1.26 Employees outside duty privilege will be temporarily suspended while the employee is on sick leave or any form of administrative leave or suspension.

29.1.27 City benefits and protections including liability insurance coverage and worker's compensation benefits for work-related injuries or disability will not apply when members are performing off-duty related employment in the private sector.

29.1.28 Employees injured during off-duty employment will be required to use annual, compensatory or sick leave while recovering. Employees may request alternate duty assignment upon return to duty. The Chief of Police will consider each request on a case by case basis.

PROHIBITED OUTSIDE EMPLOYMENT

29.1.29 Employees are prohibited from utilizing any department issued or owned equipment while on off-duty employment.

29.1.30 Employee's are prohibited from engaging in any of the following forms of employment:

- A. Employment that is in direct violation of federal or State law or municipal ordinance;
- B. Employment that violates Department or City regulations or procedures;
- C. Any employment in an establishment where alcohol is dispensed. The only exception shall be in a restaurant where a full meal menu is served and the sale of alcoholic beverage cease upon the

closing of the kitchen. Each request for outside employment will be reviewed and approved on a case-by-case basis. The decision to approve or disapprove will be made in the best interest of the department.

- D. All establishments providing adult entertainment;
- E. Any employment the Chief of Police or City Manager deems as inappropriate.
- F. The renewal of outside employment will be done on an annual basis. It will be the right of the Chief of Police to revoke outside employment at any time. Outside employment is a privilege and not a right.

Drafted(rgb)07/09

TITLE: EMPLOYEE PERSONNEL FILE**CODIFIED:** 30.1**EFFECTIVE:** 09/01/09**PAGES:** 2**PURPOSE**

To establish lines of communication and criteria for employee requests to review and purge personnel files.

DISCUSSION

The files at Police Headquarters are the official departmental copies of employment history of the member. This directive affects those files kept by the department and does not mandate policy for those official records kept by the Human Resources Department of the City of Espanola.

POLICY AND PROCEDURE**REVIEW OF PERSONNEL FILES
AUTHORIZATION**

30.1.01 Authorization for Review of Personnel files may be granted, as follows:

- A. The Chief of Police and those he/she authorizes.
- B. By a subpoena ordering discovery or by the employee providing a signed release reviewed and approved by the City Attorney's office.
- C. Employees may request to review their personnel file. Such requests shall be made verbally and employees must sign and date a control log.

30.1.02 Procedure for Review

- A. Review of files must take place between the hours of 0800 and 1700 hours, on normal workdays.

B. Review of files must be done within the confines of the Chief's Administrative Offices.

C. No material(s) may be removed or duplicated without authorization from the Chief of Police.

PURGING OF INFORMATION

30.1.03 Purging of any employee's file will be in accordance with the City of Espanola Personnel Policy and applicable union contracts. Purging procedures are as follows:

- A. Employees may request that material be purged from his/her file. This request must be in writing.
- B. Employees may request disciplinary actions be purged after the period specified on the disciplinary action forms, or after the period designated in the personnel rules and regulations and applicable union contracts.
- C. Disciplinary actions resulting in sustained suspension shall be purged in accordance with the City of Espanola Personnel Policy.
- D. Material purged by virtue of a court order shall also apply to material held in the employee personnel file at the Personnel Department for the City of Espanola. These files are located at City Hall.
- E. It is the responsibility of the individual member to submit a formal written request to purge material from his/her personnel file(s). Purging cannot and will not occur until such time as the written request is submitted and approved by the Chief of Police and/or the Human Resources Director.
- F. Any time a request for purging is submitted, or any additions are placed in the files, a copy of that paperwork shall be routed to the City Human Resources Department by a member of the Chief's staff. The action may be purged from the employee's file at the times listed here below:

1. Oral reprimand expires after (6) six months and the "request-to-purge" memorandum may be submitted at that time if the employee has shown improvement and has had no other infractions during that time.
2. Written reprimands expire after (1) one year and the employee may submit a "request-to-purge" memorandum at that time if the employee has shown improvement and has had no other infractions during that time.
3. On suspensions, the employee may submit a "request-to-purge" memorandum after 18 months have passed. This can only be submitted if the employee has shown improvement and has had no other infractions during that period of time.

C. Personnel files shall be reviewed and updated regularly.

G. Letters of commendation

H. Adjustments in position classification

I. Certifications/educational information

J. Miscellaneous information, i.e. supervisor's accident reports.

30.1.07 No medical records shall be maintained in the personnel file.

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DESTRUCTION OF FILES

30.1.04 Personnel files which are held by the Espanola Police Department shall be destroyed in accordance with the New Mexico Records Retention Act.

STORAGE OF FILES

30.1.05 Active files shall be stored in the locked file cabinet.

30.1.06 Personnel files normally contain the following items:

- A. Job applications
- B. Transfer documentation
- C. Promotional information
- D. Demotion documentation
- E. Any disciplinary action taken
- F. Letters of complaint

TITLE:	RECORDS
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CODIFIED:	33.1
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EFFECTIVE:	09/01/09
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PAGES:	5
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PURPOSE

The purpose of this directive is to establish guidelines and procedures for the Department's Records Section

DISCUSSION

Records shall be maintained in accordance with Public Records and Federal Guidelines relating to Uniform Crime Reporting, State and Local laws, and the policies and procedures of the Department.

POLICY

It shall be Department policy to create and maintain records, through reports, of criminal activity, investigations, stolen, found, recovered, and evidentiary property along with any other actions performed by Department personnel.

PROCEDURE

33.1.01 The Records Section receives reports from all divisions/sections/units from within the Department and is a central repository for all reports and records initiated by this Department's personnel.

MAINTENANCE AND CONTROL

33.1.02 Review, control, maintenance, retrieval, dissemination and destruction of report, according to applicable laws and policies are essential to the operation of the Central Records Section.

33.1.03 The supervisor of the officer/employee writing the report will review all reports. This review ensures that the reports are completed in compliance with directives.

33.1.04 The E-911 Communications Center shall assign a separate computer generated number to every call for service received.

33.1.05 Reports shall be reviewed and entered by the Records Section to ensure that a record has been made for each call for service requiring a report and that it contains information required for UCR Reports.

33.1.06 Information will be retrieved from reports and coded for UCR purposes.

33.1.07 Reports shall be maintained in the Records Section for a period consistent with State Retention Schedule requirements, and maintained in an orderly and accurate manner.

33.1.08 Reports shall be filed in completed and signed computer form, and placed in a sequentially numbered folder. Report case numbers are assigned sequentially.

33.1.09 Juvenile affidavits, arrest reports, (warrants, fingerprints and photographs) are filed in a separate locked file isolated from adult records.

33.1.10 Control of reports is conducted by a daily review and monthly checks by Records Section on reports. This is conducted for current, delinquent or unreported dispositions of reports. Supplementary reports indicated status of cases are received on a regular basis and are entered and placed with the appropriate case file.

33.1.11 When cases are cleared by the District Attorney's Office, disposition sheets are received by the Records Section, a copy is given to evidence custodian and filed.

REPORT DISTRIBUTION

33.1.12 The distribution of reports shall be made according to agency policy and state and federal laws. Copies of reports are made available to various agencies, persons or Department personnel upon specific request.

33.1.13 In accordance with law, certain sections of reports are made available to insurance companies and individuals upon request.

33.1.14 Copies of incident reports are routinely distributed to the following agencies:

- A. The District Attorney's Office receives all cases involving felony arrests and all felony crimes.
- B. Children's Youth and Families Department, Families in Needs of Services, Children's in Needs of Services receives all juvenile reports where a child is a victim.
- C. Juvenile Probation and Parole receives all

reports where a child is a suspect.

- D. Municipal or Magistrate Courts may receive all Misdemeanor Arrests, Misdemeanor and Traffic Citations.
- E. All supplements are distributed respectively.

33.1.15 All other reports are routed in accordance with directive 69.1.

CITIZENS REPORT OF CRIME

33.1.16 Reports from citizens shall be documented in the Departments CAD/Records Management System (RMS) computer systems. An individual reference number shall be assigned to each incident. These areas shall include but are not limited to:

- A. Reports of crimes by citizens;
- B. Citizens complaints (see below);
- C. Incidents resulting in an employee being dispatched or assigned;
- D. When a Police Officers is dispatched for service at a citizen's request, when a Officer/Investigator is assigned to investigate or when a Officer is assigned to take action at a later date;
- E. Criminal and non-criminal cases initiated by employees;
- F. Incidents involving arrests, citations and summonses shall be recorded, assigned a reference/case number and kept by the Central Records Section.

33.1.17 When the severity of the incident warrants, Officers shall obtain an incident number from E-911 Communication Center and complete a written report. These areas shall include but are not limited to:

- A. Reports of crimes by citizens;
- B. Criminal and non-criminal cases initiated or investigated by a Officer;
- C. Incidents involving arrests, citations and summons shall be recorded, assigned a reference/case number and be kept by the Central Records Section.

33.1.18 The E-911 Communications Center is responsible for the assignment of reference and/or case numbers. This shall be handled by the Department's CAD/RMS system.

33.1.19 Personnel who initiate cases or complaints that are received outside the Communications Center are responsible for notifying the Center for the assignment of reference/case numbers.

33.1.20 Dispositions for all calls for service, whether received or self initiated, shall be recorded either by CAD/RMS or written reports and filed with Central Records. An annual audit and evaluation of the complaint control recording system shall be conducted.

33.1.21 All records CAD/RMS shall contain at a minimum the following information:

- A. Date and time of initial reporting;
- B. Name (if available) of citizen requesting the service, victims name or complainants name;
- C. Location of incident;
- D. Nature (type) of the incident;
- E. Nature, date and time of action taken (if any) by Officers.

33.1.22 All reports shall be completed in accordance with the current reporting forms and manuals.

33.1.23 Supervisors shall review said reports in accordance with the criteria established by directive 69.1.

33.1.24 The reviewing Supervisor's signature shall indicate that the report was satisfactorily completed and reviewed.

33.1.25 Follow-up/supplement assignment responsibilities are outlined in directive 69.1

33.1.26 The Records Supervisor of the Support Services Division shall conduct an annual audit of the CAD/RMS System to determine if the system is satisfying department requirements and needs. A report will be provided to the Deputy Chief. If needed, the report will include recommendations for changes or procedural modifications that are identified.

33.1.27 All report writing manuals and forms shall be reviewed at least annually. They shall be reviewed for the following:

- A. Discrepancies;
- B. The need for change;

- C. Ensure duplication of effort is prevented;
- D. Format is consistent with records maintenance or data processing requirements;
- E. All forms have the approval of the Chief or his designee prior to use.

33.1.28 Components who utilize forms shall be included in the review of that form.

PRIVACY AND SECURITY

33.1.29 Original reports are maintained within the Central Records Section and shall be removed from the area only by subpoena or authorization of a Records Section Supervisor.

33.1.30 The records supervisor responsibility is to release only what is releasable in accordance with the Inspection of Public Records Act, Arrest Information Act and the Records Retention Policy.

CRIMINAL HISTORY RECORDS

33.1.31 The Department accesses computerized criminal history information through the following computer system:

- A. Police Department RMS computer system;
- B. New Mexico State Criminal Justice Information System (CJIS);
- C. New Mexico Crime Information Computer (NMCIC);
- D. National Crime Information Computer (NCIC).

33.1.32 User profiles and passwords are required to access the RMS, CJIS, NMNCIC and NCIC computer systems.

33.1.33 The New Mexico Public Records Statutes govern the release of criminal history information from RMS and CJIS computer systems.

33.1.34 Santa Fe City Police Department, Central Records, maintains a Criminal History Dissemination Log of all criminal histories, which are disseminated outside of records.

33.1.35 Criminal Histories, which are run and not disseminated are immediately, shredded once read.

33.1.36 The release of criminal history information from the NMCIC computer systems is governed by NMCIC and is only released for law enforcement purposes.

REPORT/RECORD RETENTION

33.1.37 The State of New Mexico, Division of Archives and Records Management control retention of reports/records.

33.1.38 Criminal intelligence information shall be considered active and retained as long as it related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activity.

33.1.39 Other records will be retained until the information is determined to be no longer of any value to the Department.

33.1.40 Duplicates of reports are retained until obsolete, superseded, or of no administrative value, balanced daily, and turned over to the City Cashiers office for deposit.

33.1.46 Audits are conducted according to Fiscal Policy and/or State Law.

INCIDENT REPORTS

33.1.47 Incident and Arrest reports shall be maintained in the Records Section in numerical order.

33.1.48 Records personnel enter information from all written reports into the CAS/RMS system to include but not limited to:

- A. The location of each incident;
- B. The type of incident;
- C. An index of stolen, found, recovered property;
- D. Narrative.

33.1.49 Records shall maintain a master name index in the RMS system which shall include, at a minimum the names of victims, complainants, suspects, person arrested and witnesses. These files shall be utilized as a cross-reference to all documents in which a person has been named.

ARREST RECORDS

33.1.50 The Records Section shall maintain a record of the individual's arrest and enter the arrestee's name, DOB, address, arresting agency, arresting officer, date of arrest, booking number, statute number of offense, the charge and social security number into RMS.

33.1.51 The arrest reports shall be scored based

on the criteria provided by the UCR. Data is forwarded to Department of Public Safety with UCR report.

33.1.52 Information on all persons arrested is kept within the RMS Computer System included with the following data:

- A. Booking number & initial of arresting agency;
- B. Date of arrest;
- C. Name of defendant;
- D. Defendant's address;
- E. Crime location;
- F. Physical description;
 - 1. Sex;
 - 2. Race;
 - 3. Height, weight;
 - 4. Eye color;
 - 5. Hair color;
 - 6. Scars, marks, tattoos;
- G. Social Security Number;
- H. Date of Birth;
- I. Age;
- J. Place of birth;
- K. Occupation;
- L. Remarks (any caution statements).

33.1.55 The crime analysis section for future projections or past occurrences may research this data.

RECORDS ACCESSIBILITY

33.1.56 The Records Section shall be accessible to Department personnel at all times via Records Section personnel or on City Police Computer system. Information is accessible to the general public between the hours of 9:00 AM and 4:00 PM, Monday through Friday.

33.1.57 Entrances and exits to the Records Section shall remain locked. Entry into the Records Section is restricted to Police Department Personnel assigned to the facility, Department Supervisors and persons conducting business with records section personnel.

33.1.58 Persons not assigned to the Records Section facility or authorized by the Records Section

Supervisor shall be escorted. Only Records Section personnel shall directly access the facility.

33.1.59 Records Section personnel shall release information in accordance with the New Mexico Public Records Act and New Mexico Arrest Information Act.

33.1.60 The Records Section shall release any information on juveniles only in accordance with the New Mexico Public Records Statutes.

33.1.61 Records Section shall furnish copies of public records upon request and collect the fee prescribed by law.

33.1.62 All fees are received and for and sent to the City Cashiers for deposit into the general fund.

33.1.63 Individuals or businesses may submit public record requests to Records to determine if potential employees have criminal records.

33.1.64 For each inquiry the following should be submitted the name (and aliases or maiden name), race, sex, date of birth, social security number (if available) and a processing fee.

IDENTIFICATION NUMBERS

33.1.65 An identification number is assigned to each individual arrested. CAD assigns this number. This number is used for any additional charges while in custody.

33.1.66 Even though a person may be arrested on several charges at different times, all booking numbers will be cross-referenced under the special person number (SPN).

DISPOSITIONS OF RECORDS

33.1.67 All cases shall be transferred to the Records Section. Intelligence and related data may be securely stored until destroyed in accordance with New Mexico Records Retention Schedule.

NATIONAL UNIFORM CRIME REPORT

33.1.68 The national Uniform Crime Report (UCR) produces crime statistics in relation to crime trends in the United States.

33.1.69 These statistics are compiled from those submitted by various agencies throughout the

U.S. to include the Espanola Police Department.

33.1.70 The Records Section enters UCR data into the UCR statistics computer program in accordance with the Uniform Crime Reporting manual.

33.1.71 The UCR statistics are compiled by the Records Section and forwarded to the Department of Public Safety on a monthly basis.

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TITLE: BIAS PROFILING AND DISCRIMINATORY PRACTICES

CODIFIED: 34.1

EFFECTIVE: 09/01/09

PAGES: 2

ATTACHMENTS: Complaint Form 1

PURPOSE

The purpose of this directive is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Espanola Police Department.

DISCUSSION

It is the intent of the Department to respect and protect the constitutional rights of individuals during law enforcement contacts and/or enforcement actions. It is also the intent of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions

POLICY

It is the policy of this Department to investigate suspicious persons, incidents and other activities that officers encounter. In the absence of any specific report, the race, ethnic background, age, gender identity, sexual orientation, religion, economic status, political affiliation, physical or mental disability, serious medical condition, cultural group of any person will not be the basis for the detention, interdiction or other disparate treatment of any individual by any member of the Department.

PROCEDURE

DEFINITION

Bias based profiling is the detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, sexual

orientation, religion, economic status or cultural group of such individual.

34.1.01 Racial profiling of individuals is strictly prohibited by members of the Espanola Police Department.

- A. In the absence of a specific report, race or ethnicity of an individual shall not be a factor in determining the existence of probable cause to place in custody or arrest an individual, or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.
- B. In response to a specific credible report of criminal activity, race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.

34.1.02 Stops or detentions based on race, age, gender, or sexual orientation or any other prejudicial basis by any member of the Department are prohibited.

- A. The detention of an individual, which is not based on factors related to a violation of Federal Law, New Mexico State Statutes, City Ordinances or any combination thereof, is prohibited.
- B. No officer shall stop, detain, or search any person when race, color, ethnicity, age, gender, sexual orientation or any other aforementioned descriptions in policy definition motivates such action.
- C. Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Statutes or any combination thereof and shall not be motivated by race, color, ethnicity, age, gender, sexual orientation, religion, economic status, or cultural group.

34.1.03 Training

- A. All Police Department members will receive training annually on the harms of bias based profiling and discrimination, including legal aspects and a review of this directive.

34.1.04 Duties of Members

- A.** Any employee, who believes there is, or may be aware of any violation of this Order, will immediately contact his/her immediate supervisor.
- B.** All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established internal affairs procedures.
- C.** Each supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that member's actions and activities adhere to this directive and to discover any indications of racial profiling or discriminatory practices.

34.1.05 Disciplinary Procedures

- A.** Appropriate discipline will be implemented for non-compliance with this directive up to and including dismissal.
- B.** Failure to report any observed or known violations of this order by any member of the Department will result in disciplinary action.

34.1.06 Administrative Review

- A.** There will be an annual review of this Order and Department practices conducted by the Chief of Police, or his/her designee.
- B.** The review will include concerns expressed by citizens.

34.1.07 Reporting of Allegations of Illegal Profiling

- A.** All complaints will be investigated by a supervisor, unless the supervisor is the subject of the complaint in which case the Chief shall designate an alternate investigator.
- B.** Training will be utilized to address needs based on the outcome of the investigation.
- C.** The Chief will submit a redacted copy of all complaints and a description of their disposition to the New Mexico Attorney General. The documents submitted to the Attorney General shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information about the officer or complainant.

TITLE: ANIMAL CONTROL DIVISION**CODIFIED:** 35.1**EFFECTIVE:** 09/01/09**PAGES:** 3**PURPOSE**

The Espanola Police Department's Animal Control Division is responsible for assistance with domesticated animal control and for the enforcement of animal regulations in a humane manner and in accordance with state law and city ordinances. Referrals to other agencies or jurisdictions will be made as appropriate.

DISCUSSION

This division is staffed with a civilian supervisor and civilians designated as animal services officers who handle calls specifically related to animal ordinances. This division is under the direction of the Deputy Chief of Police.

POLICY AND PROCEDURE**35.1.01 Response to Calls for Service**

- A. Primary duties of the Department's animal services officers include, but are not limited to: the pick-up, transportation, and impoundment of stray dogs and cats, the investigation of animal cruelty and neglect cases, animal bites, responding to reports of injured animals, barking complaints, and animal welfare checks. Animal Control officers work five days a week, including holidays, and are subject to call-outs after hours.
- B. In the event an AC officer is not available, a police officer may respond to emergency calls. These would be animal bites, injured animal calls, and animals impounded for protective custody. If a police officer handles an animal call, the report shall be forwarded to the Animal Control Division the next day for animal services to follow-up and take appropriate action.
- C. Should a police officer handle an animal bite case he/she must make every reasonable effort to

obtain all pertinent pet owner, animal, and victim information.

- D. In the event of an injured wild animal such as a deer, bear, raccoon, etc., the Game and Fish Department should be called.

35.1.02 Wild Animals

- A. Animal Control officers generally do not handle reports of non-injured wildlife such as skunks, raccoons, and squirrels. In most circumstances the caller should be referred to a company that will provide humane trapping and relocation of wild animals.
- B. If a wild animal is aggressive and possibly poses a threat to safety, an animal services officer or police officer may be dispatched to assess the situation and secure the scene. The Department of Game and Fish should also be notified immediately. If there is not a game and fish officer available, the commander on duty shall be notified and will determine the course of action.

35.1.03 Equipment and Training

- A. All uniforms and equipment issued to animal services officers will be worn in a manner consistent with departmental directives. Any equipment issued to AC officers shall also be used in accordance with departmental directives.
- B. Animal Control officers will receive a minimum of 16 hours of supplemental training each year. The training will include CPR, First Aid, Defensive Driving, and other animal-related courses as applicable.

35.1.04 Animal Control Vehicles

- A. Animal Control officers are assigned an animal services vehicle to be used on a daily basis to patrol all areas within the city limits and to transport stray animals to the shelter.
- B. Animal Control officers are the primary operators of animal services vehicles. Animal services officers are responsible for the maintenance of animal services vehicles.
- C. Each Animal Control vehicle will be equipped with the following:
 - prominent display of department name on exterior of the vehicle

- emergency light bars, with blue or yellow lenses only, and an arrow stick
- two-way radios
- video camera
- spotlight

D. The following equipment will be maintained in each animal services vehicle:

- basic first aid kit
- two blankets
- fire extinguisher
- reflective traffic vest
- flashlight and charger
- hazardous materials manual
- rubber gloves
- leather gloves
- leads and/or leashes
- plastic bags
- muzzles
- catch-all poles
- cat net
- small animal tongs
- transfer cages
- horse halter and lead rope
- shovel
- tire chains

DRAFTED(rgb)07/09

TITLE:	EARLY WARNING SYSTEM
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CODIFIED:	36.1
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EFFECTIVE:	09/01/09
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PAGES:	2
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PURPOSE

The purpose of this directive is to establish policy and procedures for identifying employees that may be experiencing difficulties in the workplace and providing assistance to the employee at early stages of the problem.

POLICY

Employees are the department's most important resource. Supervisors will make every effort to identify employees whose conduct or behavior adversely affects job performance. They will take steps to resolve the issues in an appropriate manner, consistent with department policy and procedures.

POLICY AND PROCEDURE

36.1.01 First Line Review

A. First line supervisors must be aware of potential problems that may adversely affect an employee's work performance. These potential problems may be identified in:

1. Citizen Complaints
2. Tardiness
3. Absenteeism
4. Motor Vehicle Accidents
5. Substandard Performance Evaluations
6. Use of Force Incidents
7. Disciplinary Actions

36.1.02 Supervisors shall take appropriate action, consistent with department policy and procedure, whenever inappropriate employee conduct is observed. This action shall include a written report following the chain of command to the Lieutenant.

A. This report shall include:

1. Details of the inappropriate conduct.
2. Witnesses.
3. Recommended intervention action, e.g. training, discipline, supervisory counseling, etc.

36.1.03 Responsibilities of the Lieutenant.

- A. The Lieutenant will review all relevant reports from the supervisor and ensure that appropriate remedial action is taken to remedy the problem.
- B. The Lieutenant, or his delegate will forward copies of the relevant reports to the Chiefs Office.

36.1.04 Responsibilities of the Chiefs Office

- A. The Executive Secretary shall maintain individual files containing the forwarded reports.
- B. The Internal Affairs Commander shall review the Early Warning Files on a quarterly basis and analyze them for trends. If signs of a deteriorating situation are observed the Internal Affairs Commander shall refer the situation to the applicable chain of command for action.

36.1.04 Evaluation of the Early Warning System.

- A. The Internal Affairs Commander shall review the Early Warning System for effectiveness on an annual basis. This review would involve an examination of those cases that were referred for intervention and whether the pattern of undesired behavior was corrected. A Report of the review will be forwarded to the Office of the Chief of Police.

36.1

DRAFTED(rgb)07/09

TITLE:	PUBLIC SAFETY AIDES
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CODIFIED:	37.1
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EFFECTIVE:	09/01/09
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PAGES:	2
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PURPOSE

The Espanola Police Department Public Safety Aides (PSA's) are established to respond to, and handle non-emergency, non-life threatening calls for service, enabling sworn officers to dedicate a greater amount of time to proactive enforcement and in-depth investigation of traffic related offenses.

DISCUSSION

The use of trained, responsible non-sworn personnel to respond to and handle many non-emergency, non-life threatening calls for service enables sworn members to dedicate a greater amount of time to proactive enforcement and in-depth investigation of traffic related offenses. PSA's provide the City of Espanola with just such an opportunity.

POLICY AND PROCEDURE

RESPONSIBILITIES

37.1.01 PSA's are responsible for:

- A. Assisting disabled motorists and removing abandoned vehicles, which obstruct roadways.
- B. Providing traffic direction and control at traffic crash scenes, road closures, inoperative or damaged traffic control devices, and other situations, which necessitate manual traffic direction.
- C. Patrolling assigned areas.
- D. Reporting the location and nature of crimes in progress to the local communications centers without becoming personally involved.

- E. Acting as couriers and/or runners at command posts established at major crime or disaster scenes.
- F. Parking violations/abandoned vehicles.
- G. Private property accidents not requiring a UAR.
- H. Presenting testimony regarding official duties.
- I. Any other duties as assigned by supervisors

37.1.02 Squad supervisors will be responsible for day-to-day supervision of PSA's.

37.1.03 A department sergeant will be assigned to coordinate the PSA program and will:

- A. Provide oversight to the PSA program.
- B. Compile all necessary reports generated by the PSA program.

37.1.04 Classroom and field training curricula's will be developed by the Department's Training Officer.

SELECTION

37.1.05 The Department will establish uniform procedures for selecting individuals for employment as PSA's.

- A. Individuals selected for employment as PSA's must meet the minimum qualifications listed in the Job Class Specifications, posses a valid New Mexico driver's license, and successfully complete all steps of the employment process.

TRAINING

37.1.06 PSA's must successfully complete all phases of training.

37.1.07 PSA's will receive field training provided by a sworn field trainer and/or training officer.

USE OF FORCE

37.1.08 Under no circumstances will PSA's be allowed to use physical force in the performance of their duties, except as a last resort in self-defense.

37.1.09 PSA's have no arrest authority and are unarmed; therefore, they will not attempt or make physical arrests. If a situation arises where a physical arrest is indicated, a sworn member will be requested to respond to the scene, and the appropriate supervisor notified.

DISPATCH TO CALLS FOR SERVICE

37.1.10 PSA's may be dispatched to any call for service within the scope of their responsibility and not otherwise restricted by this policy.

37.1.11 If, upon arrival, a PSA determines that a sworn member is necessary due to disputes or evidence of a crime, they will advise the communications center. The communications center will dispatch a sworn member to respond. PSA's are not to use physical means to prevent a person from leaving.

37.1.12 If a PSA's response will be delayed due to their unavailability or distance from the scene, a sworn member will be dispatched. No call for service falling within the scope of responsibility of PSA's will be unnecessarily delayed in being dispatched when a sworn member is available to respond.

REPORTING

37.1.13 Offense/Incident and other reports will be completed in accordance with the Instructions for completing the forms.

DRAFTED(rgb)06/09

TITLE: MUTUAL AID/HAZARDOUS MATERIAL

CODIFIED: 40.1

EFFECTIVE: 09/01/09

PAGES: 10

PURPOSE

The purpose of this directive is to provide guidelines and delineate procedures and responsibilities for the response of the Department to large scale civil disturbances and natural and manmade disasters.

DISCUSSION

Civil disorders and disasters beyond the logistical resources immediately available to the Department and other local police agencies may occur at any time. The procedures and responsibilities of the Department and its personnel should be planned and available for implementation.

In order to activate a large number of personnel quickly and efficiently, an emergency/disaster call up plan has been developed.

POLICY

It is the policy of the Espanola Police Department to provide mutual aid and support services to requesting agencies in situations which are covered by Federal Law, State Statute or Local Ordinance; those covered by written Mutual Aid Agreements; in emergency and disaster situations; and those covered by legal contracts for services.

In addition, the Espanola Police Department may request mutual aid and support services from other agencies as listed above. All requests for mutual aid and assistance shall be in accordance with law, signed agreements, and/or the procedures outlined in this Directive.

PROCEDURE

PROVIDING SUPPORT IN EMERGENCY SITUATIONS

40.1.01 When an outside agency requests aid from this department in covering an incident, our department will take the following action:

- A.** The E-911 Dispatcher shall take necessary information as in an ordinary call for police service and notify the on duty Commander.
 - 1.** Available personnel may be sent with the approval of the on-duty commander, who is responsible for maintaining sufficient personnel to provide necessary emergency services within the City.
 - 2.** Extended assistance outside the jurisdiction requires approval by the chief executive officer of the requesting agency and the Chief of Police or his/her designee.
- B.** A uniform supervisor may be dispatched to the call at the discretion of the ranking commander, if available.

40.1.02 When a citizen calls the E-911 center reporting an emergency incident outside our department's territorial jurisdiction, the Emergency Services Operator shall:

- A.** If the call is an emergency situation, which is received on E-911, the operator shall initiate the immediate transfer when the call is in Santa Fe/Rio Arriba County.
 - 1.** E-911 calls that are to be referred to State Police or agencies outside our jurisdiction cannot be transferred and the operator must obtain all necessary information, then personally call the appropriate agency.
- B.** If the call is an emergency situation that is received on a regular line, the E-911 operator must obtain all necessary information, then personally call the appropriate agency.
- C.** If the call is received on 911 lines and is NOT an emergency, the operator shall provide the caller with the correct dialing information.
- D.** Police personnel shall not be dispatched to the scene until a request is received from the responding agency which indicates that there are no available personnel to send in response to an emergency, or that assistance is needed from the Espanola Police Department.

- Exceptions to this requirement will only be made when approved by the on-duty shift commander/supervisor when life or public safety is at risk. (EXAMPLE – Accident with multiple injuries within a one-mile radius of the City limits).

40.1.03 Responding Officer(s) Responsibility

A. Officers, while on duty, which view a serious crime occurring outside of this department's territorial jurisdiction, shall immediately notify the Dispatch Center of the situation.

- E-911 Services shall contact the respective agency to give them the pertinent information and obtain an estimated time of arrival for responding officers from their agency.
- The reporting officer shall only take those actions necessary to protect lives and public safety and wait until an officer from the particular jurisdiction arrives to take charge of the scene.
- The officer will obtain a case number from Dispatch Services and initiate a report entitled, "Assistance to Other Agencies" with all pertinent information endorsed.

B. Officers who are dispatched to a scene outside the department's territorial jurisdiction shall initiate only the action that is necessary to protect lives and public safety, and detain any suspects until a member of the outside agency arrives to handle the call.

40.1.04 Responding Commanders'/Supervisors' Duties

A. Coordinate and assist on-scene commanders from the requesting agency.

- Espanola Police Department commanders and supervisors shall be responsible for directing and supervising Police Department personnel and shall make all decisions as to extent of aid provided.

B. Make a decision as to extent and amount of time required assisting the requesting agency.

- If the amount of aid requested or the length of time aid is requested exceed the available shift resources, the commander/supervisor

shall notify the Deputy Chief for approval of further assistance and authorization for any overtime to be paid.

- Unless a formal request is received from the requesting agency's chief executive officer, and approval is obtained from the Chief of Police, aid will not normally continue beyond that which is required to bring a situation under control.
- Once a formal request is received and deployment is authorized, personnel shall proceed in accordance with direction by the Chief of Police, to include adherence to the procedures outlined in the Comprehensive Disaster Plan in effect for the Santa Fe/Rio Arriba County area and/or applicable portions of the Unusual Occurrence Plan.
- Direct the activities specifically performed by Police Department personnel and verify that each officer submits the necessary report or supplemental.

40.1.05 Other Requests for Assistance

A. Personnel from other law enforcement agencies that become involved in incidents and/or situations within this Department's jurisdiction may request that his agency handle the situation, even though concurrent jurisdiction exists. Examples of this type of situations include, but are not limited to:

- Pursuits into this jurisdiction;
- Calls for service in which officers from other departments are victims, witnesses, or otherwise involved;
- Motor vehicle accidents involving government vehicles not belonging to this agency;
- Crimes in which an officer(s) from another agency are alleged to be involved or suspect, in accordance with the District Attorney's policy on independent investigations.

B. The on-duty commander or supervisor shall be notified immediately and will be responsible for direction/supervision as in all incidents occurring with the jurisdictional boundaries of the City.

C. The assigned officer or detective shall have the responsibility to investigate and prepare reports in accordance with all policy, procedures, and standard operating procedures relating to the incident.

REQUESTING SUPPORT IN EMERGENCY SITUATIONS

40.1.06 Problems which do not exceed the resources of the department, but could be more efficiently or safely handled by utilizing assistance from another agency, will require the approval of the on-duty commander or supervisor.

A. When calls for emergency assistance exceed the available resources, the on-duty commander may request assistance from agencies having concurrent jurisdiction.

1. The commander or supervisor will first take steps to reallocate existing manpower by directing all units who are not involved in emergency situations to immediately proceed back in service.
2. The commander/supervisor shall also assume the responsibility for prioritization of calls for service until all emergency situations are handled, to protect lives and the public peace.
3. In the event that these steps do not alleviate the emergency situation, the on-duty commander or supervisor shall either request assistance from another agency by telephone, by patch-through, or direct E-911 Dispatch to make the request.

B. Requests for emergency aid will be based upon immediate need and any extended requirements for aid must be approved in accordance with the guidelines set forth in the section of this directive entitled, "Unusual Occurrences".

C. All situations requiring aid from other agencies will be documented in memorandum form and submitted to the Chiefs Office by the end of the commander's/supervisor's shift.

D. In the event that the request is made at night or on weekends, the Chief or his designee will be notified by telephone in addition to the memorandum. The supervisor/commander shall

be responsible for briefing the Deputy Chief of Police.

UNUSUAL OCCURRENCES

40.1.07 Unusual Occurrence is a term to describe situations, generally of an emergency nature, that include but are not limited to:

- A. Natural disasters, such as earthquakes, explosions, floods, fires, hurricanes, and tornadoes.
- B. Man-made disasters such as hazardous materials emergencies, aircraft or train accidents, and major structural fires.
- C. Civil disturbances such as riots, disorders, violence erupting from dissident gatherings and marches, rock concerts, political conventions, and labor disputes.

40.1.08 Upon arrival at a scene involving one of these situations, responding officers will:

- A. Take necessary steps to safeguard lives and property;
- B. Determine the extent of the situation and immediately notify the on-duty commander.
- C. Attempt to render aid to any injured; and
- D. Take preliminary steps to bring the situation under control and request additional back-up.

40.1.09 Upon arrival at the scene, the on-duty commander will:

- A. Assume command of the scene;
- B. Conduct an assessment of the situation; and
- C. Contact the Deputy Chief and advise him of the situation.

40.1.10 Assessments will cover the following area:

- A. Communications needs.
 1. Capability of E-911 Communications Center Dispatch Services to handle the situation;
 2. Activation of a command post; or
 3. Request for aid from the Santa Fe/Rio Arriba County Sheriff Department or New

Mexico State Police in assisting with taking emergency calls for service.

B. Field Command Posts

1. Determine best locations(s) near the scene considering the type of emergency and any risk to those manning the command post.
2. Accessibility of the post and ability of the post commander to direct operations from the possible locations.

C. Casualty information

1. Estimate of the numbers of injured and/or killed;
2. Potentials for further injury or loss of life.
3. Notification of nearest hospital to activate their emergency preparedness plans;
4. Notification of the Office of the Medical Investigator to request support and assistance;
5. Notification of area clergy to assist with victims and their families;
6. Designation of available area facilities for transport of the injured, as directed by hospital liaisons and Fire Department Paramedics;
7. Liaison with Fire Department command staff and O.M.I. staff to set up a perimeter and secure area for triage and identification of deceased.

D. Personnel Requirements

1. The size of the scene and number of persons involved.
2. An estimate of the number of personnel that will be required to handle the situation.
3. An estimate of the time required to bring the scene under control and the extent that the scene disrupts normal services to the public.
4. Recommendations on activation of an emergency call-out of personnel; and
5. Recommendations on formal request for mutual aid from other law enforcement agencies.

E. Equipment Requirements

1. Communications
2. Transportation
3. Main Armory
4. Food and water for personnel
5. Any additional equipment owned or operated by the Espanola Police Department, or local suppliers.
6. Equipment distribution will take place at the time/place designated by the Support Services Supervisor.

F. Transportation Requirements

1. This can/may include arrangement for private ambulances and area volunteer fire department ambulance services to assist with transportation of the injured.
2. Arrangements for helicopter evacuation of the injured, through Life Guard and National Guard.
3. Contact with area bus/transit companies to provide large capacity passenger vehicles and/or busses for evacuation, deployment of personnel, or transportation of prisoners.
4. Notification of Fleet Management to provide on-call emergency maintenance.

40.1.11 On scene Commander/Supervisor

- A. He/she will notify the Deputy Chief.

40.1.12 A general call-out of additional personnel shall be at the discretion of the office of the Chief of Police.

- A. Methods for call out include notification by E-911 Dispatch Services, notification by assigned sworn personnel, or notification through use of the automated calling system.

1. Officers will be directed to report at specific times, places, and to specific Command personnel for assignment.
2. In the event that scene management requires extended coverage, personnel may be placed on various stages of alert, to assure around-the-clock coverage and delivery of regular services to the community. Alert stages will either be designated as immediate, on-call, or subject to call.

3. All personnel are required to report as directed and will remain on-duty until properly relieved or until authorized to secure posts/assignments.
4. Primary assembly areas for command personnel will be at the Mobile Command Post and secondary will be at the Police Department. Additional areas may be directed dependent upon the individual situation.

40.1.13 Duty Posts and Assignments

A. On-Scene Commander

1. He/she will remain at the scene and direct operations until relieved by the Chief, Deputy Chief or their designee.
2. The on-scene commander will then resume command of the field upon being relieved, unless directed to remain on scene to assist.

B. Additional Line Personnel

1. Personnel are to be clothed in a manner clearly identifying them as Law Enforcement Officers.
2. Patrol Division personnel will report for duty in full uniform.
3. Plainclothes personnel will report for duty wearing clothing and accessories that clearly identifies them as Law Enforcement Officers.
4. All sworn personnel shall report for duty with ballistic resistant body armor, and all required equipment.
5. Personnel are to operate as a unit, unless otherwise directed.

40.1.14 Media Notification

- A. Generally, the agency designated as "in charge" of the operation will be responsible for all media notifications and press releases.
1. The Chief or his/her designee may direct the Public Information Officer(s) to draft any necessary press releases or emergency warning notices and disseminate to all area media representatives.

2. The Chief may also direct the P.I.O.(s) to arrange for a news conference to be held at a pre-determined site out of the actual operational area.
3. All releases will be in accordance with policy and procedure and be directed at rumor control to minimize panic in the community while providing information necessary for public safety and cooperation.

B. The Chief of the Espanola Police Department may authorize or make direct contact with area media representatives in the interest of public safety/well being of our community.

40.1.15 Additional Notifications

- A. In the interest of public safety, the Chief may direct that appropriate personnel notify Neighborhood Watch Groups or utilize a tape recorded bulletin of the incident.

40.1.16 Management Control Measures

- A. The Chief of Police or designee will institute management control procedures, as follows:
 1. All commanders will be briefed upon arrival at the command post and directed to implement their portion of the plan.
 2. An Espanola Police Officer will be on duty at all times in the field command post to receive the responding units, log them in, and log them out as they respond to assignments.
 3. Responding units will be briefed about the emergency and their assignment in resolving the situation.
 4. Responding units will be kept under the command and control of their supervisor, however, the supervisor will report to the Incident Commander, who will exercise command and control over all civil law enforcement personnel involved in the operation. This responsibility may be delegated to the commander of the Espanola City Police Command Post for instructions.
 5. In the event that the Comprehensive Disaster Plan has specifically name another agency chief executive officer to command the overall operation, law enforcement

personnel shall still report to the law enforcement Incident Commander or designee when duty assignments are law enforcement related.

B. Situation maps of the City are stored in the office of the Chief of Police and will be available when necessary, for plotting operational commitments.

40.1.17 Special Situations Involving Mass Arrests

A. Teams will be designed by command personnel to perform the following activities in accordance with the procedures outlined in the Department Directive entitled, "Arrest Procedures".

1. Set up a detention area and provide security for prisoners waiting to be transported;
2. Collection of evidence prior to booking at the jail facility;
3. Providing additional security during transport by bus or other public conveyance;
4. Assisting jail personnel in setting up temporary holding areas and booking facilities in the fenced or sally port area, as previously arranged;
5. Assisting with identification, processing, and release of prisoners.
6. A designated individual will be responsible for contact with the courts, prosecutors, and public defender's office to arrange for arraignment, defense counsel visits, and bonding procedures. Contact will be with the on-call Assistant District Attorney and Juvenile Probation and Parole who will assist with arrangements.
7. Jail personnel will assist by making arrangements with other area facilities for temporary housing of prisoners as per their agreements.
8. Providing security for injured prisoners who must be treated at the scene or hospitalized.
9. If requested, assist jail personnel with arrangements for food, water, and additional sanitation needs.

40.1.18 Legal Authority and Mutual Aid

A. Situations involving disasters or disturbances that require response, which exceed the resources of

this Department shall be handled in accordance with State Law and City Ordinance for declaring a disaster and invoking martial law.

1. For further information outlining the necessary procedures in requesting mutual aid and declaration of disaster, refer to the Emergency Operations Plan.

B. Based upon a recognized need for mutual aid, the Chief of Police or his/her designee will be notified immediately. The Chief or designee shall decide the appropriate level of requested aid.

1. For additional information regarding the proper procedures for requesting aid from the New Mexico State Police and/or other state agencies, refer to the Emergency Operations Plan.
2. For activation of search and rescue personnel, contact will be made with State Police District Seven, at the direction of the Chief of Police, or designee.

C. The Chief of his/her designee will authorize a detailed Teletype or letter requesting mutual aid. In the event that the need for assistance is immediate, the initial contact/request will be made by telephone and followed by a Teletype.

D. The Teletype requesting mutual aid will include the following:

1. Reason for mobilization;
2. Date, reporting time and weather condition;
3. Manpower requested and an estimate of how long they will be needed;
4. Assembly point and name of the Espanola Police Commander to contact; and
5. Uniform and equipment needed.

E. National Guard Requests

1. An emergency or disaster may arise necessitating the call-out of the New Mexico National Guard.
2. If so, the Chief of Police or his designee may request the call-out via the Mayor, Mayor pro-tem, any City Council member, or in the case of disaster, any city official authorized by law to make such a request.

3. For proper procedures for requesting response by National Guard, refer to the Unusual Occurrences Manual.

F. Federal Law Enforcement Agencies

1. In emergency situations when it is necessary to request assistance from federal law enforcement agencies, such as the F.B.I., D.E.A., A.T.F., a bureau section or unit commander may contact them when necessary.

G. Command personnel from other agencies will be requested to report to the Mobile Command Post or other designated location for briefing.

- a. Assignment of other agency personnel will be coordinated with involved agency command personnel who will continue to supervise and direct their subordinates.
- b. When it becomes necessary to move personnel who are not familiar with the geography of the City of Espanola, an Espanola Officer will be assigned to those groups to expedite such movement.

H. When possible, a separate area with map space and radio monitoring capabilities should be set aside for the other responding jurisdictional units.

1. A knowledgeable staff member of the Espanola Police should be assigned to this area to assist those units with problems that may arise.

I. Commanders of other jurisdictional units will be included in the planning process, including assignments, which may involve duties such as assisting with mass arrests processing, prisoner transportation, and other duties as related to the operations.

J. At the conclusion of the mutual aid situation, the Commander of the Espanola Police operation will hold a debriefing of all participants. A comprehensive report will also be completed and sent to the Chief, and the Chief Law Enforcement Administrator of all assisting agencies. The report will include:

1. An explanation of the events that led to the emergency operation.

2. A list of all the agencies and personnel involved.
3. A list of all equipment requested and used, including a brief explanation of equipment lost, damaged, or stolen, and the cost to replace or repair said equipment.
4. Identification of injuries to personnel involved in the operation.
5. A list of damage to any public or private property caused by the emergency.
6. A list of persons arrested by name, date arrested, charge, arresting officer, and agency.
7. A detailed breakdown of all other costs.

40.1.19 De-escalation procedures

- A. Once the situation is under control steps will be taken to deactivate personnel in the following order:
 1. Agencies providing support and mutual aid;
 2. Personnel that were placed on immediate emergency call-out;
 3. Personnel whose response was delayed in accordance with alert stages;
 4. Martial law (if in effect) will be rescinded.

- B. Agency personnel will continue to provide required security until necessary clean up is completed.

40.1.20 Debriefings

- A. Debriefings will be conducted for all command personnel involved in the operations and each will submit written reports outlining the following areas:
 1. Documentation of hours expended by their personnel;
 2. Specific instances that are of liability concern;
 3. Review of all operations and recommendations for revision of policy, procedures, or plans;
 4. Damage, loss of life, and injury;

5. Recommendation for prevention or minimization of incidents in the future;
6. A file containing all material related to the debriefings, including plans and revisions will be maintained and made available to command personnel upon demand.
7. Other topics as directed by the Chief of Police.

HAZARDOUS MATERIALS EMERGENCY RESPONSE

40.1.21 The Department of Public Safety, State Police Division, is the primary agency responsible for the management of site operations. The Espanola Police Department and the Espanola Fire Department will assist whenever and however possible to maintain safety and containment aspects of the operation.

40.1.22 All hazardous cargo in transport must, by Department of Transportation (D.O.T.) regulation, carry a shipping paper identifying the hazardous material. Many carriers will have a placard (see attachments) advising what hazardous materials are aboard. Containers of hazardous material should always be marked with a D.O.T. label.

40.1.23 Officers should be on the alert for placards and/or labels when dispatched to an accident scene involving a truck, train or aircraft, but should be cautioned that only the D.O.T. designated hazard will be placarded. Many additional, equally hazardous properties can exist.

A. The following list indicates where the shipping paper may be located:

1. Truck – cab, driver clothing, pockets in cab and/or door
2. Aircraft – cockpit
3. Train – caboose, engine, unit, engineer, or employee

40.1.24 Officers are cautioned that some hazardous material can cause instant death or injury from breathing fumes or by exposure to the skin. Whenever possible, officers should approach the accident from an upwind position if such an approach is prudent. If officers are unsure of the chemical spill, it should be handled as if it were

hazardous material and the necessary precautions taken.

METHAMPHETAMINE LAB RESPONSE PROCEDURES

40.1.25 The Department of Public Safety, State Police Division, is the primary agency responsible for the management of Methamphetamine site operations. The Espanola Police Department will assist whenever and however possible to maintain safety and containment aspects of the operation. Espanola Police Officers responding to calls resulting in the suspected presence of Methamphetamine labs shall immediately remove themselves and others from the residence or vehicle. The scene shall then be secured with no entry allowed. The New Mexico State Police shall be contacted immediately, and informed of the circumstances. Upon contact by a State Police Agent, officers will provide as much information as possible and await further instructions.

A. Officers/Detectives shall:

1. Put together a District Court Search Warrant, while response team is en route.
2. Put together a District Court Destruction Order, while response team is en route.

A. Officers/Detectives shall not:

1. Take a vehicle to another location for processing (it will be processed at the scene).
2. Remove items believed to be associated with a lab.
3. If an arrest is made, contact detention facility you are en route with a prisoner who may be contaminated (you may consider removing clothing from suspect before transport)

CARGO IDENTIFIED AS HAZARDOUS MATERIAL

40.1.26 When it is known at an accident scene that hazardous materials are involved, members shall proceed with extreme caution and do the following:

- A.** Immediately notify communications personnel of what hazardous material is involved (if known) and call the Fire Department and the Department of Public Safety, State Police Division.

- B. If necessary, remove injured persons a safe distance away from the accident scene. **DO NOT BECOME A VICTIM YOURSELF.**
- C. Notify the On-duty commander.
- D. Restrict the area to the public and allow no eating, drinking or smoking. Avoid, if possible, any contact with the hazardous material.
- E. Should an accident occur on a highway, detour the traffic as far as possible from the area. A minimum of 3,000 feet (1/2 mile) is suggested for accidents involving explosives, and/or containers subject to BLEVE, e.g., *sealed containers with potential vapor expansion*.
- F. Should an accident occur in a residential area, the on-site commander will make a determination regarding any evacuations that may be necessary dependent on the circumstances.
- G. Restrict radio transmissions to reduce the possibility of initiating a secondary explosion.
- H. Park patrol vehicles and turn engines off, keeping vehicles as far as possible away from the spill or explosion while maintaining the ability to restrict traffic to the accident location (recommended 300' minimum).
- I. A copy of the Hazardous Materials Identification Handbook will be in the radio room at all times to that the radio personnel may assist in identifying materials by the identifying placards.
- J. Officers on the scene of the accident shall stand by and assist emergency response teams from the Fire Department and the Department of Public Safety, State Police Division, while maintaining the perimeters established.
- K. If a release of material(s) has occurred, personnel should request a containment check by personnel on had having the necessary expertise and equipment.
- L. The on-site commander shall ensure that he/she properly documents every situation in which department personnel are exposed to any health hazardous materials.

MUTUAL AID AGREEMENTS

40.1.27 In addition to mutual aid agreements regarding disaster and unusual occurrences, the

Espanola Police Department has entered into agreements in regards to the following operation activities:

A. Escape and Riot Plan

- 1. For further information outlining proper procedures in this situation, refer to the Department Directive entitles, "Escape From Custody".

CONTRACTS FOR LAW ENFORCEMENT SERVICE

40.1.28 The Chief of Police has the authority and responsibility for all contracts regarding the provision of paid law enforcement services provided by, or to the Espanola Police Department and the City of Espanola.

- A. The City of Espanola paralegal position is designated as the person responsible for assisting with the draft of contracts, tracking and maintenance of existing contracts, and assisting the Chief in prior approval of contracts by the City Attorney's Office and the Finance Department.
- B. Contracts shall be maintained in the office of the paralegal while in effect, and shall be maintained for a minimum of five (5) years after expirations.

40.1.29 All paid law enforcement services provided by, or to the Espanola Police Department shall be covered by a written, signed contract that is based upon an assessment of the recipient agency's or entity's needs. Contractual agreements shall contain, at a minimum:

- A. A statement of the specific services to be provided, which includes, at minimum:
 - 1. Precise statements to indicate the nature and extent of services provided;
 - 2. Equipment and facilities to be used;
 - 3. Functions to be performed;
 - 4. Responsibilities of the agencies for planning, organizing and scheduling of services.
- B. Specific language dealing with financial agreements between parties, to include, at a minimum:

1. Responsibility for salaries and fringe benefits;
2. Payment for support services and related costs;
3. Maintenance of cost accounting records;
4. Procedures to address cost increases;
5. Time and manner for payment of services; and
6. Equipment depreciation and other costs.

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- C. Records to be maintained concerning performance of services by the provider agency.
- D. Language dealing with duration, modification, and termination of the contract.
- E. Specific language dealing with legal contingencies.
- F. A stipulation indicating that the provider agency maintains control over its people.
- G. Specific arrangements for the use of equipment and facilities.
- H. A stipulation that employment rights of personnel assigned under a contract are not abridged by the provider agency.

40.1.30 The following procedures shall apply to draft and adoption of any legal contract involving the Espanola Police Department:

- A. Prior to the provision of any services wherein payment is made to this Department, the following steps are required by law:
 1. A contract will be drafted to cover all applicable points listed in this section.
 2. The contract is sent to the City Attorney for review and he/she will make any necessary revisions.
 3. The contract is sent to the Chief of Police, for review.
 4. All contracts will be forwarded to the Office of the City Attorney for review and formalization.
 5. City Manager, Finance Committee, and Council approval is required on all professional service agreements.

TITLE: BOMB THREATS AND BOMB EMERGENCIES**CODIFIED:** 41.1**EFFECTIVE:** 09/01/09**PAGES:** 4**PURPOSE**

The purpose of this directive is to establish procedures for handling bomb threats and is applicable to all personnel employed by the Espanola Police Department.

DISCUSSION

Experience shows that the majority of all bomb threats are hoaxes; however, some threats are real and appropriate action must be taken to prevent the potential for loss of life, injury and property damage.

POLICY AND PROCEDURE**INITIAL RESPONSE**

41.1.01 Officers shall respond to the scene as quickly as possible with due regard for public safety.

41.1.02 Arrival at any bomb threat scene must be as low-key as possible to avoid undue panic.

A. When the report is of a device actually located, responding officers are authorized to use emergency equipment to get to the scene. All emergency and radio transmission will be discontinued at least three (3) blocks from the scene.

B. Responding officers will assist with the evacuation of the premises. Under no circumstance will officers go into the premises to view the device.

C. The first officer at the scene will locate and separate the witness who located the suspected device, so that an EOD Technician may interview him/her.

D. EOD from Santa Fe Police or New Mexico State Police will be called by dispatch to the scene.

41.1.03 The first officer on the scene shall attempt to establish contact with the person who is responsible for control of the premises. All activity shall be coordinated through this individual.

41.1.04 The officer shall evaluate the situation, determine if additional help is needed, and contact a supervisor by telephone as soon as practical to relay all details.

41.1.05 If the threat was received by telephone and it was recorded, the officer shall take steps to secure the tape as evidence.

41.1.06 The person who received the threat is critical to any investigation into the incident. That person must be thoroughly questioned, with emphasis on the information required to complete the officer's report.

41.1.07 If officers encounter a situation in which they are unsure of what action is to be taken, they will notify their supervisor who in turn will notify the EOD Commander and a determination by the EOD Commander will be made to activate EOD Unit Personnel.

A. If the EOD Unit Commander is unavailable, the Field Commander will contact a member of the EOD Unit and activate them to respond to the scene.

EVACUATION

41.1.08 Evacuation of any bomb threat area is a decision that will have to be made on the merits of each individual case. The decision to evacuate where no suspect device has been located will rest with the facility manager or his designee. If police advice is sought, it shall always be to evacuate.

no suspect device has been located will rest with the facility manager or his designee. If police advice is sought, it shall always be to evacuate.

- A. If a device is found, the police will in all cases **ORDER IMMEDIATE EVACUATION.**
- B. The order to evacuate shall be passed along by word of mouth if possible and handled in an orderly manner to prevent panic and unnecessary injury.
- C. The facility manager shall be consulted regarding possible evacuation routes and, if time permits, those areas shall be searched prior to evacuation.
- D. Care must be taken to ensure that all occupants are out of the building and do not re-enter without permission.
- E. Evacuees shall be taken a minimum of 300 feet from the scene and directed to seek cover. Other factors to be taken into consideration when determining a safe distance for evacuation include:
 - 1. Proximity to other potentially explosive areas;
 - 2. Location of adjacent/adjoining buildings;
 - 3. Proximity to occupied areas;
 - 4. Scope and magnitude of the threat; and
 - 5. Availability of adequate cover.

41.1.09 The responsibility for returning persons to an evacuated area shall lie with the party responsible.

SEARCHES

41.1.10 The facility manager or designee can be enlisted for help to discreetly search those areas with which they are most familiar with if, they so choose.

41.1.11 Officers on the scene should advise the facility manager that enlistment of employees to conduct the search should be from volunteers and

that the possibility exist of serious injury or death exist should a detonation occur during their search.

41.1.12 All search personnel should be instructed to look for anything that is unfamiliar or out of place in a given area and **NOT TOUCH OR DISTURB** any suspicious or unfamiliar packages or containers.

41.1.13 Search personnel should also be advised not to turn lights on/off while in the building and to carry a flashlight to search dark areas or rooms.

41.1.14 On-scene police personnel may assist in the search, but their search will be limited to public areas, such as rest rooms, stairways and exterior of the building.

41.1.15 An interior search shall be conducted in an organized manner, starting with areas accessible to the public.

41.1.16 An exterior search of the facility shall be conducted, paying particular attention to the base of the building and any areas open to the public.

41.1.17 Upon completing a search where no suspect device is located, a follow-up search can be made, utilizing different personnel if manpower and time allows.

41.1.18 If a detonation time has been given, all persons assigned to the search shall evacuate the area at least one-half hour prior to detonation time given. They shall wait one-half hour after detonation time to re-enter facility.

41.1.19 After a thorough search, if no bomb or suspected bomb is discovered, the person in charge of the facility will be informed that "No bomb was found." Under no circumstances shall any member of the Espanola Police Department issue an "ALL CLEAR" statement or authorize any person to return to a site that has been evacuated, other than at any police building. That decision rests with the facility manager or their designee.

41.1.20 Due to the possibility of booby traps and lack of training in this area, field officers will not

lack of training in this area, field officers will not search vehicles for explosive devices. The aid of an EOD technician should be enlisted for this search.

SUSPECTED DEVICE IS LOCATED DURING SEARCH

41.1.21 DO NOT TOUCH, MOVE OR ATTEMPT TO REMOVE THE DEVICE.

41.1.22 Order an immediate evacuation following the guidelines established in this Directive and secure the scene.

41.1.23 Make contact with police communications by phone and relay pertinent information.

41.1.24 Request a supervisor respond to the scene.

41.1.25 Request additional police and fire personnel, if needed.

41.1.26 If the device is found by a citizen, attempt to ascertain if it has been moved or touched.

41.1.27 If time allows, make note of the following:

- A. Location of the device.
- B. Size.
- C. Color.
- D. Exposed wires or foil.
- E. Oily or greasy stain or residue.
- F. Burned marks or areas.
- G. Return address if received by mail.

41.1.28 The responding supervisor will notify communications and cause the EOD Unit, Fire Department, Emergency Medical personnel, and the Chief of Police to be notified.

41.1.29 Upon arrival of the first EOD technician, the incident shall be turned over to the EOD Unit and handled in accordance with established procedures. Uniform personnel shall support the EOD Unit and act at their direction.

41.1.30 When a device is located, it shall be the responsibility of the EOD Unit Personnel to debrief the Chief of Police, following the incident.

POST-EXPLOSION PROCEDURES

41.1.31 If an explosion occurs prior to or after the arrival of police personnel, it is imperative that officers on the scene work in unison with other emergency response personnel to stabilize the situation as soon as possible.

41.1.32 Seal off the area to prevent any further damage and to minimize contamination of the crime scene.

41.1.33 Assume that there may be a secondary device which could be detonated. If time allows and no one's life is in imminent danger, wait for the EOD Unit to arrive and conduct investigation.

41.1.34 To conduct follow-up searches at bomb crime scenes refer to policy on "Search and Seizure."

EXPLOSIVES IN GENERAL

41.1.35 Explosives in general, such as, but not limited to old military ordnance, blasting materials, chemicals (liquid or powder), dynamite (discarded or stored), will be handled in the following manner:

- A. The officer in charge is only to verify the possibility that the substance is a possible explosive, he/she **MUST NOT TOUCH IT**. Moving or touching could cause detonation.
- B. The officer in charge is to contact his supervisor and the civilian in charge, whereupon, a determination will be made if immediate emergency transportation of the substance is warranted. In any case, the EOD technician is to be notified, if possible by the supervisor, of the

circumstances and action to be taken before such action is taken.

- C. If at all possible, never carry or transport any explosives.
- D. Under no circumstances are explosives to be stored by police or civilian personnel in the evidence room, vehicles, lockers, closets, etc..

GLOSSARY

DEVICE - explosive device

EVACUATION - Vacate an area or building.

PROXIMITY - closeness

SCOPE – size

Drafted(rgb)06/09

**TITLE: POLICE EMERGENCY/ROUTINE
ESCORTS**

CODIFIED: 42.1

EFFECTIVE: 09/01/09

PAGES: 2

PURPOSE

The purpose of this directive is to provide guidelines and specify circumstances under which escort services will be provided.

DISCUSSION

Vehicular escorts are provided for a variety of reasons, i.e., emergency situation, funerals, the relocation of wide loads, providing for the safety of public officials and dignitaries, or for the safe transport of hazardous or unusual cargo.

POLICY

It will be the policy of the Espanola Police Department to allow sworn members to provide an emergency escort for a vehicle only when that vehicle contains a person who is gravely ill or seriously injured and that the sworn member reasonably believes any delay in obtaining medical attention would be life threatening.

In medical emergencies, whenever possible, the patient should be transported by ambulance. A sworn member must use discretion in such situations and make a determination of the time and distance to a hospital or medical facility and the arrival time of a rescue unit or ambulance. If an ambulance is called to transport a patient, the officer may assist in escorting the ambulance if ambulance personnel request it.

PROCEDURES FOR SWORN PERSONNEL

42.1.01 Sworn personnel that have been requested to provide an emergency escort of an individual or a civilian vehicle will contact a field commander and

advise him/her the circumstances surrounding the request. If one is not available, the officer will use his/her discretion in conducting the escort. If an escort is given, the following rules will apply:

- A.** The first duty of the escorting officer in an emergency situation is to assure that the escorted vehicle arrives safely at the hospital or medical facility.
- B.** Sworn personnel providing emergency escorts of civilian vehicles shall notify Communications personnel of the following:
 - 1. present location
 - 2. escort route
 - 3. intended destination
 - 4. nature of illness or injury
- C.** Officers shall request that E-911 Communications Center Dispatch Personnel immediately notify the appropriate medical facility of the escort and the estimated time of arrival. Information as to the nature of the medical emergency will also be relayed.
- D.** While providing an emergency escort, sworn members shall utilize full emergency equipment (overhead lights and siren) and at all times operate the police vehicle in a reasonable and prudent manner, with due regard for prevailing road, traffic, weather conditions and traffic control devices and insuring that intersections are clear prior to crossing.
- E.** Upon arrival at the destination point, the officer shall notify communications that the escort has been completed.

42.1.02 State of New Mexico regulations and laws governing operation of authorized emergency vehicles will be adhered to whenever operating a motor vehicle under emergency conditions and failure to comply with said

regulations and laws will not relieve the operator of liability.

EMERGENCY ESCORTS OUTSIDE CITY LIMITS

42.1.03 Sworn members shall not provide emergency escorts outside the jurisdiction of the City of Espanola, unless specifically authorized to do so by a Commander.

42.1.04 If a sworn member should escort someone out of the City on an emergency escort, (after being authorized), the sworn member shall notify Communications personnel, who will notify the appropriate law enforcement agency of the escort route and destination.

DIGNITARY, PUBLIC OFFICIALS, OR UNUSUAL ESCORTS

42.1.05 The Espanola Police Department may be asked to escort dignitaries and public officials. When such a request is made, it shall be coordinated through the Chiefs Office.

42.1.06 When the Espanola Police Department is asked to handle escorts for oversized vehicles or unusual escorts, the following procedures shall be followed:

- A.** Permits shall first be obtained from the Code Enforcement Division for the City of Espanola. The permit shall state the route of the escort, the type of cargo and/or vehicle, the approved number of vehicles involved and date the escort is requested. Officers shall be sure the permit is correct before any escort is given.
- B.** After receiving approval from the Chief's Office, the Patrol Team Commander shall be responsible for coordinating the escort.
- C.** On oversized vehicles, private escort companies shall coordinate with the escorting officers. Prior to commencing the escort, officers shall ensure that traffic engineers and the Public

Service Company of New Mexico have been contacted so, if necessary, barriers may be moved or removed (i.e. traffic lights, power lines, etc.) or if the escort needs to be re-routed over bridges, etc., the engineers will be available to assist.

42.1.07 When the Espanola Police Department is asked to escort hazardous cargo, the requesting party shall be referred to the New Mexico Department of Public Safety, State Police Division, as they are the designated Haz-Mat Team for the State of New Mexico. This department shall assist the State Police if they request our assistance.

42.1.08 All routine escorts shall be coordinated through the Day Shift Commander. Routine escorts are not to interfere with calls for service and can be approved by the on-duty commander.

FUNERAL ESCORTS

42.1.09 Requests for funeral escorts shall be coordinated through the Patrol Division and shall be handled by the Public Safety Aides. When they are unavailable to provide the escort, a uniformed officer shall conduct the escort. Two hours notice should be provided by the funeral home for escorts if possible.

DRAFTED(rgb)07/09

TITLE: NEXT OF KIN NOTIFICATION**CODIFIED:** 43.1.01**EFFECTIVE:** 09/01/09**PAGES:** 2**PURPOSE**

The purpose of this policy is to establish guidelines so that the notification of next of kin involving death, serious injury or serious illness be accomplished promptly in such a manner as to cause the least discomfort possible to the individual being notified.

POLICY

It is the policy of the Espanola Police Department to notify the next of kin of deceased, seriously injured, or seriously ill persons in a *prompt, professional and courteous manner*.

PROCEDURES**NOTIFICATION IN CASE OF DEATH**

43.1.01 With the exception of homicides, officers shall notify the next of kin in person (*no telephonic notifications*). In those instances where the officer is unable to make notification in person by the end of his/her workday, the information for notification will be given to the on coming shift commander by the outgoing shift commander in order to continue the in person notification process. As part of the notification, the Officer will advise the family spokesperson to contact the involved medical investigator to discuss any necessary arrangements.

43.1.02 *Notifications pertaining to deaths resulting from homicides will be handled by the Medical Investigator and/or the assigned detective from the Investigations Section.*

43.1.03 In all cases involving death, serious injury or serious illness where notification is in another jurisdiction, a teletype shall be sent to that agency requesting their assistance with the notification. Included with the Teletype will be a request for

notifying this department upon completion of the notification.

NOTIFICATIONS IN CASE OF INJURY

43.1.04 When there are major injuries, due to motor vehicle accidents, or incidents of violence, personal contact is required. (*no telephonic notification*)

43.1.05 When a request is received from another agency regarding serious injuries, a teletype or other type of correspondence shall be obtained first, unless prior approval is obtained from a shift commander.

43.1.06 In those cases involving minor injuries, i.e. motor vehicle accident with minor injuries, the contact can be made via telephone.

NOTIFICATIONS IN CASES INVOLVING SERIOUS ILLNESS

43.1.07 Whenever notification needs to be made due to a serious illness, i.e. heart attack, the contact will always be made in person. (*no telephonic notification*)

NOTIFICATION REQUEST BY OUTSIDE AGENCIES

43.1.08 Agencies requesting notification be made by our department shall verify such requests via teletype or other correspondence prior to making the notification, unless approved by a shift commander.

43.1.09 Officers will make every effort to deliver, in person, notifications which were initiated by other agencies.

43.1.10 Officers will not make any notifications when requested by individuals whose identity or information cannot be verified or confirmed.

SUPPORT SERVICES

43.1.11 Officers should attempt to provide support services (clergy etc.) for the next of kin or relatives of deceased, seriously ill or injured persons, when needed.

43.1.12 At times, it may be necessary to have a paramedic team on the scene during notification(s). They will be called on a case by case basis and at the discretion of the officer(s) or Commander on the scene. (i.e. – situations where there are multiple deaths in one family, the person to be notified is elderly or in poor health, etc.)

43.1.13 There may be requests from local hospitals, pharmacies, physicians, etc. to notify a local resident as to appointments, or other non-emergency situations. These types of non-emergency notifications will not be handled unless cleared by a commander or, if the person making the request can justify it as an emergency.

Drafted(rgb) 07/09

TITLE: ISSUANCE OF MISDEMEANOR CITATIONS

CODIFIED: 45.1

EFFECTIVE: 09/01/09

PAGES: 2

PURPOSE

The purpose of this directive is to provide guidelines for the issuance of misdemeanor citations.

DISCUSSION

It is the policy of the Espanola Police Department to utilize the least coercive alternative to achieve a disposition of a matter, consistent with preserving public safety, order, and individual liberty. Officers should cite all violations of City Ordinances into Municipal Court, when the person meets a certain criteria. This is to provide for alternatives to arrest and incarceration of persons, reduce jail costs, and reduce other costs to taxpayers while still maintaining enforcement/adjudication prior to trial.

POLICY AND PROCEDURE

CRITERIA TO ISSUE CITATIONS IN LIEU OF ARREST

45.1.01 Misdemeanor citations will only be issued under the following circumstances:

- A. Sworn members may issue misdemeanor citations;
- B. Misdemeanor citations will be used for adult offenders; and
- C. Misdemeanor citations will be utilized for violations of city ordinance, in cases where arrest is not legally required or appropriate.
- D. All violations covered by City Ordinance shall be cited into Municipal Court. The only exception is when the violations are secondary to a primary charge that is a high-court misdemeanor or felony

45.1.02 Misdemeanor citations will be utilized in lieu of arrest, unless:

- A. The incident involves a violent or aggressive confrontation;
- B. The incident is a domestic dispute; or
- C. The offender is intoxicated or under the influence of an intoxicant (i.e., drugs, paint, glue).
- D. The incident is a repeat offense (i.e., loud party - second call, shoplifting - repeat offender).
- E. The officer uses any physical force in detaining the individual.
- F. The officer is unable to verify the identity of the offender and he/she is not in possession of valid identification.

ISSUANCE OF MISDEMEANOR CITATIONS

45.1.03 Officers are to verify the accuracy of the defendant information by viewing a current drivers license or identification card prior to issuing the citation.

45.1.04 Upon the decision by an officer to issue a misdemeanor citation in lieu of arrest, the following procedures will be adhered to:

- A. A case number will be acquired from the Dispatch center.
- 1. Dispatch personnel will acquire and document all pertinent information.
- B. The Offense/Incident case number will be listed on the citation.
- C. All blanks identifying the suspect will be completed.
- D. Location and date of the incident along with the section number will be completed.
- E. The narrative portion of the citation will be completed to provide all essential facts and probable cause. If additional space is needed to complete the narrative, a supplemental narrative form will be attached.
- F. In order for the court to have the necessary information to process the complaint, the victim

and witnesses name, DOB, address and telephone number shall be listed in the essential facts section. In shoplifting cases, the property shoplifted and total dollar amount will also be listed.

G. The defendant will be given his/her copy of the citation and all other copies will be routed to Records Section for entry into the system after approval by on-duty supervisor.

GLOSSARY

MUNICIPAL ORDINANCES - In this case, all ordinances enacted by the City of Espanola, that are enforced by sworn law enforcement officers except moving traffic violations.

Drafted (rgb) 07/09

TITLE:	JUVENILE MATTERS
CODIFIED:	46.1
EFFECTIVE:	07/23/04
RESCINDS/AMENDS:	P 8.1
PAGES:	6

PURPOSE

The purpose of this directive is to establish procedures and guidelines for the handling of reported juvenile matters and delineate responsibilities within the Department.

DISCUSSION

Ensuring victims are afforded all the juvenile system has to offer and that juvenile offenders are dealt with in the least coercive among reasonable alternatives, consistent with conserving public safety, order and individual liberty.

POLICY

It is the policy of the Espanola Police Department to enforce the law with respect to juvenile offenders, respond to the needs of juvenile victims, act as a resource for public and private schools, develop proactive methods for prevention of delinquency, and utilize the least coercive means available for dealing with youthful offenders.

In addition, it is the policy that all Department components and personnel share in the responsibility of participating in and supporting the Department's juvenile operations function.

PROCEDURE

JUVENILE OFFENDERS

46.1.01 Officers contacting juveniles for delinquent acts (criminal offenses), status offenses, and

complaints should use the least coercive among reasonable alternatives to achieve a disposition of the matter, consistent with preserving public safety, order and individual liberty.

46.1.02 Referral to Juvenile Probation and Parole

- A.** If there is probable cause to believe that a juvenile has committed a delinquent act or status offense, and the case is referred to Juvenile Probation and Parole without an arrest taking place, a copy of the report shall be sent to the Juvenile Services Unit with a notation on the top "Juvenile Probation".
- B.** In this case, the officer must also enter the proper code of the Offense/Incident report form to indicate referral.
- C.** All pertinent information should be included in the report and the investigation should be complete. In the event that completion of the investigation was not possible, the case may be referred to the Investigations Section for the necessary follow-up.

46.1.03 Juvenile Arrests

- A.** To initiate legal proceedings by affecting an arrest, you must first contact a Juvenile Probation and Parole Officer, either at their office during regular business hours, or at their residence or pager number, **BEFORE INCARCERATING A JUVENILE**.
- B.** *Listings of pertinent on-call Juvenile Probation and Parole Officers along with all telephone numbers will be updated on a regular schedule by the Juvenile Services Unit personnel and placed in the communications center.*
- C.** When approval for detention has been received from a JPPO and a juvenile is placed in detention, copies of the complete report with probable cause statement shall be forwarded to the Juvenile Services Unit and to juvenile probation and parole with a notation on top stating "JPPO ARREST".
- D.** In cases involving felony offenses and juvenile offenders, the cases shall be referred to the Juvenile Probation and Parole as JPO is mandated by law to work with the District Attorney's office on all felony offenses.

E. Under no circumstances shall a complainant be referred to Municipal or Magistrate Court when the offender is a juvenile. If the offender is an adult and the victim is a juvenile, the parents of the victim may be referred to the Investigations Division, Municipal, Magistrate or District Court.

F. Once a request for detention has been approved and the juvenile has been accepted at the Detention Center, the arresting officer shall complete a statement of probable cause.

1. Two copies of the statement will be left at the Detention facility and a third copy shall be forwarded to the Records Section with the arrest report.
2. One copy will be provided to the Investigations Unit with copies of the arrest report and probable cause statement.
3. The original probable cause statement will be routed to the District attorney Liaison for filing.

G. Procedures for proper notification are as follows:

1. On arrests made Monday through Friday, 8:00 a.m. to 9:00 p.m., the arresting officer will personally telephone the office of the Children's Court to make notification before the end of shift.
2. On arrests made between 9:00 p.m. and 8:00 a.m., Monday through Friday, the arresting officer's commander will assure that a copy of the report and statement of probable cause are left in the box of the Detective Lieutenant/Sergeant, who will be responsible for retrieving the reports and making the notification.
3. After 9:00 p.m. on Friday and on weekends/holidays, the Graveyard Commanders shall deposit copies of all Juvenile Arrests (to include the statement of Probable Cause) in the Lieutenant/Sergeant box of the Detective Division.
4. The Day Shift Commander shall be responsible for obtaining the copies of the reports and contacting the Children's Court

Judge by telephone no later than 10:00 a.m. on Saturday, Sunday, and all legal holidays.

H. Referral to the Children Youth and Family Department

1. When a case is referred to the Children Youth and Family Department, a copy of the complete report shall be routed to the Juvenile Services Unit Commander with a notation on the top stating, "CYFD".
2. In addition the officer will notify CYFD immediately of the incident, via telephone.

I. Referral to Outside Mediation or Counseling

1. Referrals for temporary or prolonged treatment and/or counseling shall only be made through the Juvenile Services Unit and parents should be referred to the Unit commander if this alternative is to be utilized.
2. Referrals may be suggested if personnel are asked for advice in dealing with Juvenile Offenders.

J. Officers will take the alleged juvenile offenders into temporary custody for referral to Juvenile Probation and Parole, or arrest, under the following circumstances:

1. When the delinquent act committed by the juvenile would be a felony if committed by an adult.
2. All delinquent acts involving weapons.
3. All serious gang-related delinquent acts (gang related crimes may be defined as follows):
 - a. Crimes committed by gang members to benefit the gang.
 - b. Crimes committed by gang members at the direction of the gang.
 - c. Crimes committed by gang members while representing the gang, or whose criminal acts are intended to promote or further the advancement of the gang.
4. All delinquent acts involving aggravated assault and battery.

5. All delinquent acts committed by juveniles on probation or parole or by those with a case pending.
6. All repeated delinquent acts, which have occurred within the preceding 12 months.
7. Any juveniles, who have been selected for a diversion program, but have refused to participate.
8. Cases in which it has been determined that parental supervision is not effective.
9. When a warrant has been issued.
10. When the delinquent act committed by the juvenile would be a misdemeanor if committed by an adult. (Refer to the next section of this directive for further guidance)
11. Driving a motor vehicle when the operator's license is revoked.
12. Driving a motor vehicle while under the influence of intoxicating liquor or drugs (refer to Directive 67.1 for further direction).

K. Guidelines to be followed when taking a juvenile into temporary custody:

1. When taken into temporary custody, the officer will bring the juvenile offender to the Police Department without unnecessary delay, unless the juvenile is in need of emergency medical treatment.
2. The juvenile will not be detained any longer than is reasonably necessary to obtain the required information for an offense report, verification of information, records check, and possible processing at the Juvenile Detention Facility.
3. The juvenile's parent or guardian will be notified and advised of their child's custody and charges being filed against the offender.

L. Non-custodial Interviews of juveniles :

1. Juvenile will be advised of their rights as per Miranda in a modified version:
 - a. Right to remain silent
 - b. Right to an attorney

M. Custodial Interviews of Juveniles

1. Juveniles will be advised of their rights, per Miranda, before any questioning is conducted about a specific crime.
2. Officers shall familiarize themselves with New Mexico State Law regarding custodial interviews of juveniles under the New Mexico Children's Code, Basic Rights, New Mexico State Statute 32-1-27 NMSA.
3. Officers conducting custodial interviews of juveniles shall remain cognizant as to the duration of the interview, and number of officers present during the interview, consistent with the seriousness of the allegations and the circumstances surrounding the case.
4. All reasonable attempts will be made to notify the parent or guardian of the arrest and have them present during any custodial interviews.
5. Officers will explain to the juvenile and parent or guardian what procedures they can expect while going through the juvenile justice system.

N. Contacting Students at School (Suspects)

1. When a student is suspected of committing a crime and an interview is necessary, the officer will follow the below described procedure:
 - a. Contact the Investigations Unit Sergeant.
 - b. A Detective/Officer will contact the school principal who will, at the detective's request, contact the student's parents.
 - c. The detective and a school official must be present during the interview.
 - d. The interview will be conducted in a private and secure location.

O. When a student is a witness to a crime or related matter and an interview is necessary, the officer will follow the below described procedure:

1. Contact the Investigations Unit Sergeant, or a Detective.
2. The Detective will contact the school principal who will, at the detective's request, contact the student's parents.
3. The Detective and a school official must be present during the interview.
4. The interview will be conducted in a private and secure location.

P. Citations Issued to Juveniles

1. Juveniles may be issued citations for state or municipal traffic violations.
 - a. Citations will be sent to the appropriate court (Municipal or Magistrate) in all cases except felonies listed in the Motor Vehicle Code and Driving Under the Influence of Intoxicating Liquor or Drugs; leaving the scene of an accident involving damage, injury, or death; reckless driving; or driving under a suspended license.
 - b. Citations involving the above-listed exceptions shall be sent to the Juvenile Probation and Parole Office for disposition. In the event that a citation is issued for one of the exceptions, then all additional citations shall be routed as well.
 - c. Parents will be notified by Juvenile Probation and Parole of the date and time of the scheduled hearing on the citation(s).
2. At no time will a juvenile be issued a non-traffic misdemeanor citation.

Q. Counsel and Release

1. Officers have a wide range of discretion involving juvenile misdemeanor cases. Additional alternative remedies that can be used by Officers involved in juvenile misdemeanor cases to divert offenders from the court system are as follows:

WARNINGS

- a. The Officer arrests the juvenile, contacts the parent, guardian or adult relative and transports the juvenile to the police station. If after a review of the allegations the Officer feels justice would best be served by a warning, and all parties agree, the Officer will warn the juvenile and release him/her to the parent, guardian or relative and document the information in a report.

INFORMAL REFERRALS

- a. If in the opinion of the Officer, the juvenile is in need of services that could best be provided by agencies other than the court system, the juvenile and parent/guardian shall be referred to that social service agency.

JUVENILES AS VICTIMS

46.1.04 In cases of known or suspected child abuse or neglect resulting in bodily injury, officers will determine the seriousness of such injuries and arrange for medical aid when necessary.

A. Officer Responsibility

1. Pursuant to New Mexico Children's Code, law enforcement officers who reasonably believe that a child has been abused or neglected may take or cause to be taken color photographs of the area of trauma visible on the child. If medically indicated, such persons may take or cause to be taken x-rays of the child.
2. In cases of sexual abuse, measures should be taken to ensure medical aid to include a standard rape examination through St. Vincent's Hospital, Public Health Services (Indian Hospital), or any other facility which has been approved by the Department of Human Services and/or the District Attorney's office. An examination should be completed in cases where there is credible information of penetration.

3. When a child sex abuse victim and a suspect are living together, officers should ensure that the child victim and suspect are separated, pending investigation.
4. Officers shall gather all evidence, including all written reports and statements from those persons required to report known or suspected cases pursuant to the New Mexico State Statutes, Children's Code.
5. A child should be taken into temporary protective custody if the child's surroundings endanger the child. The officer should notify the Children Youth and Family Department to arrange for placement if the child is taken into protective custody.
6. Even if a child is determined not to be in danger, officers will complete an offense report and refer the "open case" to the Investigations Section. The offense report will be completed as fully and as accurately as possible, to include:
 - a. Name, address, age, sex and race of child.
 - b. Name, address of person responsible for causing injuries.
 - c. Nature and extent of injuries, including evidence of previous cases involving victim and/or suspect.
 - d. Names and conditions of all other children in the residence.
 - e. Name and address of the reporting party.
 - f. Names of all adult persons living in the home.
 - g. The names and addresses of both parents and/or guardians if different from those listed above.
7. In all cases of suspected abuse or neglect the investigating officer shall contact the CYF Department immediately.
 - a. Immediately in this case requires contact prior to the end of the officer's shift and can be accomplished through the 24 hour CYFD contact number.
 - b. In addition, the written report will be forwarded to CYFD within 48 hours, as per New Mexico State Statute.

B. Protective Custody

1. Pursuant to New Mexico State Statutes a child may be taken into temporary protective custody by a law enforcement officer without order by the court when:
 - a. The child is lost, abandoned, seriously endangered, or seriously endangers others, and the immediate removal of the child appears necessary to protect the child from others.
 - b. Reasonable grounds exist to believe that the child has run away from the parents, guardian or legal custodian.
 - c. The juvenile court may issue written or verbal temporary protective custody orders to law enforcement officers if the circumstances or conditions of a child are such that continuing in his place of residence would present a danger to the child's life or health in the reasonably foreseeable future.

C. Notification To Investigations Section

1. Immediate notification to the Investigations Division should be made in the following incidents:
 - a. All children's deaths except for those resulting from traffic accidents.
 - b. Any sexual offenses committed against a juvenile.
 - c. Cases of child abuse where serious bodily injury is present or hospitalization is required.
2. During normal duty hours, notification will be made to the Investigations Section Lieutenant/Sergeant. During off duty hours, notification will be made to the on duty shift commander who will then notify the Investigations Section Lieutenant/Sergeant or on call Detective.

D. Mandatory Notification to CYF Department

1. Officers investigating cases of child abuse or neglect shall contact the Investigations Unit Commander and the Children, Youth and Family Department, Social Services Division, when there is evidence of:
 - a. Injury resulting in death.
 - b. Past or current sexual abuse, incest, molestation, sexual exploitation or prostitution.
 - c. Known or suspected physical abuse, including bruising, broken bones, burns or serious bodily injury.
 - d. Cases where a child exhibits a condition of failure to thrive.
 - e. Cases where a child's environment is injurious to his/her health and safety.
 - f. Cases where abandonment occurs.
 - g. Any potential injurious or unsafe situation as based on the officer's observations and/or investigation.

LISTING OF AGENCIES PROVIDING SERVICES TO YOUTHS

46.1.05 The Espanola Police Department shall maintain an active list of agencies which provide various services for juveniles and their families.

A. The following components shall maintain lists in addition to the referral manual assigned to all uniformed officers:

1. Investigations Section
2. District Attorneys Office (Victim/Witness Coordinator)
3. E-911 Emergency Communications Center Dispatch Services

B. In addition, the Children, Youth, and Family Department for Santa Fe/Rio Arriba County and the State of New Mexico, can assist in finding alternative placements for children in need of supervision, those whose parents can no longer control them, children who are lost, victims of

child neglect or abuse, and victims of sexual assaults. Parents may also be referred to these agencies for counseling assistance.

Drafted (rgb) 08/09

**TITLE: MISSING PERSON AND CHILD
ABDUCTION INVESTIGATIONS**

CODIFIED: 47.1

EFFECTIVE: 09/01/09

PAGES: 5

PURPOSE

The purpose of this directive is to establish procedures and guidelines for the handling of reported missing person/child abduction and runaway investigations.

DISCUSSION

Espanola Police Personnel shall use its resources, acting within the scope of their authority to identify, locate, and assist any juvenile or any person reported missing.

POLICY

It is the policy of the Espanola Police Department to investigate and document all juvenile, missing person/child abduction and all missing adult reports.

PROCEDURE

JUVENILE/MISSING

47.1.01 Patrol personnel will normally be responsible for initial reports on missing and runaway juveniles. Proper investigation of these reports requires that the following steps be taken:

- A. Interview the parents/guardian making the report.
- B. Obtain a description and current photograph of the child.
- C. Advise dispatch of the information received, including the last known location and have this information broadcast on all radio frequencies.
- D. An offense/incident report shall be completed and all pertinent information will be entered into the mandatory sections of the form. In addition the following information must be included:
 - 1. Place of birth.

- 2. Mother's maiden name.
- 3. Parent(s) address(s) if different from the juvenile's.
- E. A Media Sheet will be completed to allow dissemination of the information.
- F. The juvenile will be entered into N.C.I.C. and a copy of the entry will be attached to the officer's handwritten report.
- G. The investigating officer shall attach a recent photograph (if available) to the Media Sheet.
- H. A copy of the report shall be forwarded to the Investigation Unit.
- I. Notify Missing Person Clearing House with appropriate forms.

47.1.02 The Investigation Unit will be responsible for the follow-up on all juveniles reported as missing. In the following cases, a Detective Supervisor shall be contacted and a decision will be made to alert the on-call detective.

- A. In the event that the missing juvenile is less than thirteen years of age, a Detective Supervisor and the Deputy Chief shall be notified if the juvenile is not located immediately.
- B. In the event that it appears suspicious circumstances exist surrounding the juvenile's disappearance; the Detective Supervisor will be notified.

**MISSING CHILD/CHILD ABDUCTION
INVESTIGATIONS**

47.1.03 Missing Child/Child Abduction investigations apply when:

- A. The child is younger than 18 years of age, and,
- B. Whose whereabouts are unknown to a parent, guardian or, responsible party

47.1.04 Factors that should be considered when investigating a missing child/child abduction report include, but are not limited to:

- A. If the child is 13 years of age or younger.
- B. If the child is out of the zone of safety for his/her age and developmental stage.

- C. If the mental capacity of the child is diminished.
- D. If the child is on prescribed medication and/or is drug dependent on illicit substances.
- E. If the child is a potential victim of foul play or sexual exploitation.
- F. If the situation can be considered life threatening in any way.
- G. If the incident occurred near a truckstop or a busy thoroughfare.
- H. The length of time since the juvenile was last seen.
- I. If the child is believed to be with adults who could endanger his or her welfare.
- J. If the child is absent under circumstances inconsistent with established patterns of behavior.
- K. If the child's disappearance involves circumstances that would cause a reasonable person to believe that the child should be considered at risk.

47.1.05 Resources that can be utilized for Missing Child/Child Abduction cases:

- A. Amber Alert-Law Enforcement **EMERGENCY** Alert System.
- B. National Center for Missing and Exploited Children.
- C. New Mexico State Police.
- D. New Mexico State Police Search and Rescue (K-9).
- E. Santa Fe/Rio Arriba County Sheriffs Department.
- F. Federal Bureau of Investigations.
- G. Air support

PROCEDURES FOR HANDLING MISSING CHILD/CHILD ABDUCTION CASES.

47.1.06 Dispatcher shall:

- A. Determine if circumstances of the report meet the requirements of a missing child, as set forth in "47.1.03" above.

- B. Immediately dispatch an officer to the scene of the incident.
- C. Notify the on-duty field supervisor.
- D. Transmit the appropriate radio alerts and other notifications, and update this information, as it becomes available.
- E. Search radio/dispatch records for related information, and relay this information to the responding officer and/or field supervisor.
- F. Safeguard all pertinent records such as handwritten notes and dispatch logs.
- G. Ensure that relieving dispatch personnel are fully briefed and have possession of pertinent records when taking over the dispatch responsibilities.

47.1.07 Upon arriving at the scene, responding officer shall:

- A. Interview the parents/guardians making the report.
- B. Obtain a description and current photograph of the child.
- C. Advise dispatch of the information received, including the last known location and have this information broadcast on all radio frequencies.
- D. Request additional officers to secure any scene(s) that may be of evidentiary value if the location is other than the home or location the officer was dispatched.
- E. Interview potential witnesses at the scene, including children.
- F. Ensure the on-scene supervisor is apprised of pertinent information.
- G. Stay on the scene to ensure the integrity of all potential evidence, and obtain any new information when available.
- H. Initiate an offense incident report as soon as practical.

- I. If a tape recorder is used, ensure the tape is tagged into evidence, along with any other items of evidentiary value

47.1.08 The on-scene Supervisor shall:

- A. Obtain a briefing from the dispatched officer.
- B. Determine if additional personnel and resources are needed.
- C. Organize and coordinate an immediate search of the area surrounding the missing child's home and/or place where the child was last seen.
- D. Determine if an Amber Alert Broadcast is appropriate
- E. Ensure that an officer has been established as the victim family liaison.
- F. Notify the Chief's office.
- G. Establish a command post, if needed.
- H. Contact the Investigation Supervisor and brief him/her of the incident and request their presence, if the case is verified as child abduction.
- I. Ensure that NCIC is notified as soon as possible with the child's information.
- J. Monitor media relations (incoming and outgoing information).
- K. Ensure that all responding personnel write supplemental reports

47.1.09 Investigations Supervisor will respond if the case is verified as a child abduction, and shall;

- A. After being briefed, assess the incident.
- B. Determine level of response.
- C. If the situation warrants, assign the Investigations Unit Detectives, case responsibility.
- D. Assure the case agent's orders are carried out to their completion.
- E. Be responsible for command post operations, if implemented.
- F. Act as liaison between investigators and other police personnel.
- G. Request additional resources as needed.
- H. Keep the Department PIO informed of all aspects of the investigation, that are releasable to the media.

47.1.10 Case Agent and Assistant Case Agent shall:

- A. Obtain briefing from personnel at the scene.
- B. Verify the accuracy of all descriptive information.
- C. Ensure that proper personnel are in place to carry out a proper and thorough investigation.
- D. Immediately assign a record keeper who will keep accurate records of all investigative steps taken.
- E. Immediately assign personnel to begin a canvass of the neighborhood using a standardized canvass form.
- F. Obtain a brief history of family dynamics.
- G. Utilize information from the canvass forms.
- H. Assign personnel to interview other family members, friends and associates.
- I. Obtain records from Children Youth and Families (CYFD).
- J. Evaluate the need for additional resources and specialized services.
- K. Update descriptive information.
- L. Conduct follow-up interviews with reporting parent/guardian and all possible witnesses and suspects.
- M. Prepare necessary reports and complete appropriate forms.
- N. Assume responsibility for all phases of the investigation, with the exception of processing the scene and the collection of evidence.
- O. Respond to requests for assistance by other agencies, as deemed necessary by the Chief of Police.
- P. Canvass the area.
- R. Notify FBI if deemed appropriate..

47.1.11 Field Investigators shall:

- A. Take preliminary photographs of the scene and search for evidence, as appropriate.

- B. Be responsible for collecting evidence at the scene and tagging into evidence.

47.1.12 Use of Volunteers.

- A. Volunteers will be used only when absolutely necessary.
- B. If volunteers are used, they must be under direct supervision of police personnel.
- C. No person will be allowed to volunteer without first being identified.
- D. The person's information will be recorded and given to the record keeper.

ACTIVATION OF AMBER ALERT

47.1.13 Criteria for use:

- A. There must be evidence of non-familial abduction.
- B. The child must be under 18 years of age.
- C. There should be no doubt that the child is in immediate danger of serious bodily harm or death.
- D. There must be specific, detailed description of the child, the abductor, and/or vehicle.

47.1.14 Authorized Requestors:

- A. Deputy Chief for Operations.
- B. Designated Public Information Officer.
- C. Investigations Commander.

47.1.15 Procedures for Activating an Amber Alert:

- A. An authorized requestor will notify KKOB-AM radio to activate the Amber Alert abduction information, via New Mexico Emergency Alert System.
- B. A statement (30 seconds or less) will be recorded for broadcast. Amber Alert forms will be prepared/utilized for every activation.
- C. KKOB-AM receiving personnel will ask the requestor for appropriate code information.
- D. The alert will be authorized only if the requestor's identity is verified by code, and only

if the information provided meets the required criteria listed in number 1 above.

- E. No one other than authorized requestors may activate the Amber Alert. Violation of this procedure can result in the Espanola Police Department's authorization to participate being withdrawn.
- F. All other cases shall be relayed to the media through normal press release procedures.

ADULT MISSING PERSON REPORTS

47.1.16 This section applies to persons who are declared emancipated as defined by State statute and does not apply to juveniles.

47.1.17 While conducting preliminary or follow-up investigations regarding missing persons, personnel may encounter several situations that would require the missing adult to be entered into N.C.I.C. For entry of a missing person into N.C.I.C. there must be reasonable grounds to believe that the disappearance was not voluntary, that the person's physical safety is in danger, that the person has a physical disability, or that the person has a mental disability. The investigating officer shall be responsible for properly documenting and submitting any information with his/her written report in accordance with the following guidelines.

47.1.18 Guidelines for documentation of adult entries are as follows:

- A. When evidence suggests that a missing person's physical safety is in danger or that the person's disappearance is not voluntary, a written statement from a parent, legal guardian, next of kin, or other authoritative source is required. The documentation must include the circumstances relating to the person's disappearance.
- B. If the missing person has a physical and/or mental disability, a written statement verifying the missing person's condition is required from a physician or other authoritative source, (e.g., parent, next of kin, etc.).

INVESTIGATIONS OF ADULT MISSING PERSONS

47.1.19 The Investigation Section Detectives are responsible for the investigation of cases involving individuals who are defined as "adults" by State Statute.

47.1.20 When a field patrol officer takes an adult missing persons report, it will be the responsibility of the initiating officer to properly determine the circumstances (voluntary/involuntary, etc.) under which the person is missing and to include all pertinent facts surrounding the case in a complete report.

47.1.21 If the report necessitates an N.C.I.C. entry or an "attempt to locate" broadcast, the guidelines set forth above, under section "Missing Persons Report" will be followed.

47.1.22 If the missing adult is not located by the end of the officer's shift, the officer will forward a copy of the report to the Investigations Section for follow-up investigation.

A. If the adult disappeared under suspicious or questionable circumstances, the Detective Supervisor shall be notified to allow dispatch of the on-call detective when necessary for immediate follow-up.

47.1.23 If the missing adult has not been located by the end of the officer's shift, the investigating officer shall prepare a hot sheet (if possible, to include a recent photo of the missing person) and dispatch will be instructed to B.O.L.O. the information to all oncoming shifts and other local law enforcement agencies.

47.1.24 The detective from the Investigations Section will have the final responsibility for the investigation of all adult missing persons reports in which the missing person has not been located by the end of the initiating officer's shift.

PROCEDURES FOR TAKING MISSING PERSON REPORTS

47.1.25 Adult Missing Person - Upon receipt of a call for service regarding a missing person, Emergency Services Dispatch personnel will do the following:

- A.** Obtain sufficient information to prepare a BOLO for the missing person or runaway.
- B.** BOLO the description of the missing person to all units and assure that the BOLO is repeated to all incoming shifts.
- C.** Enter the person into NCIC, when requested to do so by an officer.
- D.** The area officer will be dispatched to handle an initial report and commanders will be notified when the following circumstances apply:
 - a.** Foul play is suspected or other exigent circumstances exist (i.e. kidnapping, mental illness, etc.)

Drafted (rgb) 08/09

TITLE:	DOMESTIC VIOLENCE
CODIFIED:	49.1
EFFECTIVE:	09/01/09
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PURPOSE

Each Domestic Violence Incident is different. A definitive policy to cover all eventualities cannot be created. This directive and procedure is meant to serve as a guide to personnel so that they have an understanding of their respective responsibilities and to establish a uniform procedure for responding to Domestic Violence Incidents.

DISCUSSION

Domestic Violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. Not withstanding that difference, officers will respond to domestic violence as they would to any crime.

POLICY

It is the policy of this agency to reduce the incidence and severity of domestic abuse; protect victims of domestic abuse and provide them with support through a combination of law enforcement and community services; and, promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic abuse calls for service.

PROCEDURE

RESPONDING OFFICERS

49.1.01 On-scene Investigation

- A. When responding to a domestic abuse call, the officer shall:
 1. Restore order by gaining control of the situation.
2. Take control of all weapons used or threatened to be used in the crime for submision into evidence.
3. Assess the need for medical attention and call for medical assistance if indicated.
4. Interview all parties and witnesses, including children and neighbors and make every effort to determine the predominant aggressor. If it is determined that any party to the incident is a Espanola Police Officer, the responding officer shall notify the shift supervisor who in turn will arrange for an outside law enforcement agency to investigate the case.
5. Officers report should include;
 - a. Children's date of birth.
 - b. Names, addresses and telephone numbers of people interviewed.
6. After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken. Pursuant to the New Mexico Family Protection Act, Chapter 40, Article 13 NMSA, an officer DOES NOT have to witness the misdemeanor crime(s) to take appropriate enforcement action, to include arrest, as long as there are visible signs of violence, to include trauma, damage, interference with communications, etc.
7. The arrest of the person shall be considered the preferred action by a law enforcement officer of this agency when evidence indicates that domestic abuse has occurred.
8. Officer shall determine whether Children Youth and Families (CYFD) should be notified.
9. If an officer makes an arrest pursuant to the Family Violence Protection Act, The person must be charged through Magistrate Court and the Family Violence Protection Act will be referenced, along with the appropriate charge(s).
10. All domestic violence cases forwarded to Magistrate Court require the following

information for screening. These items will be completed by the investigating officer at the time of the investigation:

- a. Report and DV form.
- b. Criminal Complaint (if arrested).
- c. Statement of Probable Cause (if arrested).
- d. Handwritten, audio or video statements from all victim(s), witness(s), suspect(s), if possible.
- e. All constitutional issues must be addressed.
- f. Collect and record evidence (photographs, weapon(s), clothing, serology) and, where appropriate, take color photographs of injuries and property damage.
- g. The report must include the officers' observation at the scene.
- h. In all cases of domestic violence, photos of victim and suspect shall be taken.
- i. 911 tapes shall be collected and submitted as evidence.
- 11. Cases forwarded to Municipal Court must be limited to verbal arguments, conduct chargeable under 20-2.1A of the Municipal Code where there is NO INJURY. All other cases must be sent to the District Attorney's Office and/or Magistrate Court.
- 12. Complete appropriate offense or incident reports necessary to fully document the officers' response, whether or not a crime has been committed or an arrest has been made.
- 13. If a crime has been committed and the suspect is not present, refer the victim to the Municipal, Magistrate, or District Court for the purpose of filing a criminal complaint
- 14. Remain on the scene until satisfied that there is no threat to the victim.
- 15. If the suspect has left the scene and a crime has been committed, the officers will:
- 16. Conduct a search of the immediate area.
 - a. Obtain information from victims and witnesses as to where the offender may be.
 - b. Determine whether or not it is appropriate to seek an arrest warrant for the suspect.
 - c. Refer the matter to the District Attorney's Office.
- 17. In cases where one of the parties involved requests court protection and/or a restraining order, the party will be referred to the Domestic Violence Division of the District Court for further assistance and/or referred to their private attorney.
- 18. Victims shall be referred to the local Domestic Violence shelter/crisis center. Transportation to the shelter shall be provided upon request.
- 19. Crime scene Technicians shall be called on felony cases where evidence exists that require photographs of blood spatter, fingerprints, etc.. when the on-duty Commander deems it necessary.
- 20. A business card or pamphlet, containing the handling officer's name and a case number, shall be left with the victim.
- 21. Prepare and complete accurate and detailed report of all observations and actions by you.
- 22. Cases should ONLY be forwarded to Investigations if in-depth follow-up is required. Others will be sent back to the officer to complete.
- 23. Officers may personally petition the District Court for emergency orders of protection. In this event the Officers must state their need to the court via telephone, facsimile, or in person, and must file a sworn written statement setting forth the need for an emergency order of protection.
- 24. Domestic Violence incidents involving Department personnel shall be referred to another agency if possible. After the fact incidents shall be referred to Internal Affairs.

49.1.02 As used in the Family Violence Protection Act

- A. Family or household members means:

1. A spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purpose of this section.

B. Domestic abuse means:

1. Any incident by a household member against another household member resulting in:
 - a. severe harm;
 - b. severe emotional distress;
 - c. bodily injury or assault;
 - d. a threat causing imminent fear of bodily injury by any household member;
 - e. criminal trespass;
 - f. criminal damage to property; whether it be personal, community or jointly owned;
 - g. Deprivation of property; intentionally depriving a household member the use of separate, community or jointly owned property;
 - h. repeatedly driving by a residence or workplace;
 - i. telephone harassment;
 - j. stalking;
 - k. harassment; which includes e-mail, electronic surveillance, use of internet (use of public web pages)
 - l. harm or threatened harm to children as set forth in paragraphs in this subsection;

TITLE: TOWING AND WRECKER SERVICES**CODIFIED:** 50.1**EFFECTIVE:** 09/01/09**PAGES:** 6**PURPOSE**

The purpose of this directive is to establish guidelines regarding the towing of vehicles for various legitimate purposes, such as vehicles in violation of provisions regulating stopping, standing or parking, stolen or abandoned vehicles, vehicles of arrested persons, and inoperable vehicles.

DISCUSSION

A variety of circumstances arise that require a vehicle to be towed by police personnel. In order to insure procedural and legal requirements are met, a uniform method is required. This procedure will outline the authority and process in meeting this need.

POLICY AND PROCEDURE

It is the policy of the Espanola Department to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property.

50.1.01 A WRITTEN REPORT WILL BE SUBMITTED WHENEVER:

- A. A vehicle is towed or removed at the direction of an officer and shall reflect the time, date, location, requesting officer, reason for removal or tow, the towing service or wrecker company, the towed location of the vehicle and any attempts made to contact the registered owner when the situation deems it necessary.
- B. Exigent circumstances may exist which would prohibit notifying the owner(s) of a vehicle as to the location of their vehicle. Those incidents will be handled on a case by case basis. In those situations, the assigned detective/officer and Communications personnel will be notified so they may contact, or attempt to contact, the owner and make the necessary notification.

C. Prior to removal of any vehicle, attempts will be made to notify the owner, unless it is causing a traffic or safety hazard. If the owner is notified, a thirty (30) minute grace period will be given to accommodate the owner to have the vehicle removed. If for any reasons the owner of the vehicle takes longer than the thirty (30) minute grace period to remove the vehicle, and the vehicle is impounded, a vehicle impound form will be initiated by the officer and signed by the wrecker driver. Once the vehicle is impounded, the owner will be contacted immediately or as soon as reasonably possible, advising him of the vehicle's location. If the owner cannot be located a registered letter will be sent to the listed owner on the date of impoundment. A complete report will be initiated and turned into the on-duty supervisor.

D. If the owner cannot be located, and the vehicle is not causing a safety hazard, a registered letter will be sent (within 48 hours) to the last known owner of the vehicle as verified by a registration check through the New Mexico Department of Motor Vehicles. After waiting a thirty- (30) day period if the vehicle has not been removed, it will then be deemed abandoned and will then be towed (per N.M. State Statute 66-1-4.1, A, 1,2,3, and 4). Once the vehicle is impounded, another registered letter will be sent notifying the owner of the whereabouts of his/her vehicle. Every attempt to contact the owner prior to removal will be made. Once the owner is located, this information will be given to the owner and a supplemental report will be submitted. The registration inquiry and a copy of the registered letter will be retained and become part of the official police report.

50.1.02 VEHICLES WILL BE TOWED WHEN:

- A. They obstruct traffic and that based on exigent safety concerns must be removed to protect the public from harm.
 - 1. In these situations, the officer/PSA will check with a commander prior to towing the vehicle. Vehicles shall be impounded if no other means of removing the hazard are available.

- B. The vehicle has been stolen, abandoned, vandalized, involved in an accident to the extent that it is inoperable and/or it is in violation of traffic codes whereby it would be unsafe to allow the vehicle to be driven or operated.
- C. The vehicle is in the department's custody and is needed for evidence processing due to a hit-and-run accident or other criminal investigations.
- D. The driver has been incapacitated, hospitalized, arrested, taken into custody, or when the vehicle cannot be released to a responsible party.
- E. When circumstances exist where the vehicle was used in the commission of a felony and forfeiture proceedings will be initiated on said vehicle.
- F. Any time a vehicle is towed/impounded, the officer handling the incident shall complete an offense/incident report, along with the impound sheet, so there will be a record of the impoundment.

50.1.03 PROCEDURES FOR TOWING VEHICLES

- A. Requests for wrecker services will be restricted to the wrecker on call in accordance with the wrecker rotation schedule.
 - 1. This does not preclude owners or operators of vehicles from requesting a specific wrecker company or tow truck operator. Owners or operators will be verbally informed of their right to request a specific wrecker company or tow truck operator.
 - 2. This also applies to members of automobile clubs. Officers will be required to obtain membership information for wrecker requests.
- B. Under no circumstances will any officer or employee recommend or suggest that the owner or operator of a vehicle being towed utilize any specific wrecker company or tow truck service.
- C. No member or employee of the Espanola Police Department will, by virtue of his/her employment or service in an official capacity, accept any consideration or gratuity from any

wrecker company, tow truck service or its employees.

- D. Officers, prior to authorizing the towing of a vehicle, will contact their respective on-duty commanding officer or supervisor and brief him/her as to the circumstances requiring the towing of the vehicle. The only exceptions to this rule are:
 - 1. When the vehicle is being impounded due to an accident, or arrest.
 - 2. At the request of a vehicle owner.
- E. Upon impoundment of a vehicle, the officer shall complete the following, ensuring that all pertinent information is included in the report (including date, time, location, requesting officer, reason for impoundment, name of the wrecker service responding, final location of the vehicle and a log of all attempts to contact the owner, indicating dates and times of all negative contacts, if the owner was not notified.)
 - 1. An offense/incident report shall be completed.
 - 2. Officers shall ensure that the impound sheet is filled out and a copy left with the wrecker driver after both the officer and the driver sign the impound sheet.
 - 3. If the owner or operator is present, a completed copy of the impound sheet will be given to the owner or operator. If the owner/operator has left or been removed from the scene, the officer will ensure that the owner/operator receives a copy of the form.
 - 4. The ignition key will be left with the vehicle. All other keys will be removed and given to the owner or operator, or placed in their property if they are arrested.
 - 5. Once E911 Dispatch personnel have notified the police officers in the field of the name of the wrecker service or tow service dispatched, **no other wrecker service will be allowed to tow the vehicle.**
 - 6. Exigent circumstances may occur which necessitate the immediate removal of a

vehicle from traffic, etc., and such situations will be treated on a case by case basis.

F. In all cases in which a vehicle is to be impounded, the investigating officer shall complete a full property inventory of the vehicle, to include the passenger compartment and all storage compartments. Those inventories shall be conducted to ensure against the careless handling or theft of personal property from all impounded vehicles, to assure the safekeeping of any valuables or dangerous instrumentality's located in such vehicles, to protect officers from potentially dangerous items, to assure the community caretaking function by general protection of the public, and to prevent claims against department personnel for lost, stolen, or damaged property.

1. Closed containers shall be inventoried in **ALL** cases in which a vehicle is impounded and the contents shall be itemized on the inventory form.
2. Locked containers with a key or mechanism to allow entry without causing damage to the container or any contents shall be inventoried in **ALL** cases in which a vehicle is impounded. The contents shall be itemized on the impound form.
3. Locked containers in which no key or opening mechanism is available, and which cannot be opened without causing damage to the container shall not be opened, nor shall the contents be itemized for inventory purposes. The officer shall list the item as "one locked container and unknown contents" on the inventory form.
4. If the officer has probable cause to believe that the locked containers hold evidence or fruits of a crime, he/she must obtain a search warrant prior to opening the container. In this instance, the search is no longer for inventory purposes, but shall be based upon the facts and circumstances upon which probable cause is developed.
5. Searches conducted for inventory purposes shall be conducted at the scene, prior to release of the vehicle to the towing

company. In cases where officer safety is a concern, the vehicle may be towed to a safe location prior to inventory, however the investigating officer shall keep the vehicle in his/her sight until a safe location is reached.

6. The officer(s) conducting the inventory shall complete a Espanola Police Department towing and impound form, taking care to note all items of personal property located in the impounded vehicle. He/she shall also make the towing/wrecker driver aware of any pre-existing damage to the vehicle, which can be noted on the impound form.
7. The officer shall be responsible for any decision to store property of excessive value and/or of a dangerous nature separate from the impounded vehicle.

G. *If a wrecker service is unable to respond or fails to respond to a call within 30 minutes of being called, the next wrecker service on the rotation list will be called. The wrecker service unable to respond will be placed at the bottom of the list, and called by the dispatcher so that they may be advised of their "cancelled" status.*

1. An officer or commanding officer may also cancel a wrecker due to; it does not have the proper equipment, the wrecker size is inadequate to safely remove the vehicle that is being towed, the vehicle no longer needs to be towed, owner makes a specific request for another towing service, etc. If the wrecker is cancelled for above reasons, they may be placed in line for next rotation.

50.1.04 VEHICLES TOWED FOR EVIDENTIARY PURPOSES

- A.** In those cases that require a vehicle be processed for physical evidence, personnel shall take the necessary steps to process that vehicle at the scene, whenever practical.
- B.** When vehicles belonging to victims or crime suspects must be towed, the following procedures apply:
 1. A police hold may be initiated on an impound form authorizing the hold with the

proper copy of the impound boldly marked “HOLD” and signed by the officer and the wrecker driver. Prior to placing a vehicle on hold, the officer is required to obtain approval from a commander or supervisor. If/when the vehicle is released, the original towing company will be contacted, the vehicle will be picked up and taken to the towing company lot for release to the registered owner. The owner shall be responsible for towing fees only.

2. When the impounded vehicle is evidence or must be held for evidentiary examination, the vehicle will be towed to the Department’s secured impound lot and secured against unauthorized entry and contamination. An investigations commander will be notified, if necessary. Evidence seals will be affixed to doors, windows, engine and trunk compartments. An evidence tag will be filled out for the impounded vehicle and its keys and shall be turned over to the property custodian.
3. Vehicles held for the above purposes may only be released by a court order or with written authorization from the Office of the District Attorney.
4. Any vehicle having a police hold placed on it by the investigating officer for reasons other than evidence or forfeiture shall be towed to the Espanola Police Department impound lot and the “Hold” status entered into the towing log. The hold must also be authorized by a commanding officer. The Commander must sign the wrecker impound form, along with the officer and the wrecker driver.
5. The gates to the Espanola Police Department impound lot are to be locked at all times. Under no circumstances are they to be left unlocked or open.
6. If the vehicle needs to be released from the “Hold” status due to exigent circumstances, and the officer who authorized the tow and placed the hold cannot be contacted to release the vehicle, the vehicle may be released by a

supervisor in the investigating officer’s chain of command.

7. If a vehicle has been reported stolen, and is located by anyone other than the owner, the officer shall:
 - a. Process the vehicle for evidentiary purposes.
 - b. Ascertain if the vehicle is operable.
 - c. Barring exigent circumstances, the owner will be notified so that he/she may call a wrecker of his/her choice, pick up the vehicle personally, or make arrangements for the vehicle’s removal. In the event that the owner(s) cannot be located, the officer will follow procedures in calling for a wrecker as per the above guidelines for rotational wrecker call-outs.
 - d. Prepare the necessary paperwork on supplemental forms with all pertinent information.
 - e. Cancel the vehicle from N.C.I.C. and any other agencies which were notified. This shall be done through the E911 Dispatch Center.

50.1.05 NOTIFICATION OF OWNER(S)

- A. After a vehicle is no longer needed for investigatory purposes and processing is complete, the investigating officer will notify the owner or legal representative of its release by:

1. Personal Contact
 - a. The officer will complete a release form filling out all information authorizing the release after the person requesting the release produces satisfactory proof of ownership. Prior to release, the officer will check the wrecker log to ascertain if there is a hold placed on the vehicle by another officer(s).

2. Telephone Contact
 - a. The officer will contact the owner concerning the impending release by

telephone, and mail a copy of the release by certified mail.

- B. The departmental member authorizing or releasing any vehicle impounded by this department will complete a supplemental report.

50.1.06 AUTHORITY TO RELEASE (ON-SITE) A VEHICLE, UPON THE REQUEST OF THE OWNER/DRIVER TO A THIRD PARTY

- A. An officer may decide to release a vehicle to a third party based upon the following criteria, after having consulted with his/her immediate supervisor who, when possible, shall act as a witness.
- B. The officer may release to a third party after having observed all of the following:
 1. Proof that the driver of the vehicle is in legal possession of the vehicle by examination of the vehicle registration, title, vehicle registration inquiry, N.C.I.C. inquiry, etc.
 2. The written consent form shall be completely filled out and signed by the owner/driver in order to transfer custody of the vehicle to a third party, thereby releasing the department and officer(s) from liability for the release of the vehicle.
 3. A signed statement from the third party accepting responsibility for the vehicle.
 4. The release form shall be made part of the report, as well as the name, address, and phone number(s) of the person to whom the vehicle was released.

50.1.07 ABANDONED VEHICLES ON PRIVATE PROPERTY

- A. Vehicles abandoned on private property will not be towed unless they are needed for evidentiary purposes involving a criminal offense, or they are being confiscated subject to forfeiture proceedings. All such impoundments will be authorized by a commanding officer.

50.1.08 TOWING POLICE VEHICLES

- A. If a police vehicle is wrecked or disabled and it is necessary to tow the vehicle, a supervisor is

to be notified so that arrangements can be made to tow the vehicle. If he/she is unavailable, the next wrecker on the rotation list will be utilized.

50.1.09 ABANDONED VEHICLES ON PUBLIC/CITY PROPERTY

A. Prior to towing any vehicle on public or city property, the following steps are required:

1. The officer/P.S.A. will make a stolen vehicle inquiry giving the communications dispatcher the VIN and license number, and will also attempt to contact the owner.
2. The officer/P.S.A. will determine if the vehicle is violating parking restrictions.
3. The officer/P.S.A. will determine if the vehicle is obstructing traffic, private or public driveway(s), or is a hazard to other motorists.
4. Laws concerning and identification of abandoned vehicles as per State of New Mexico and City of Espanola Municipal Ordinances will be followed prior to having any motor vehicle removed.
5. If the owner cannot be located, and the vehicle is not causing a safety hazard, a registered letter will be sent to the last known owner of the vehicle as verified by a registration check through the New Mexico Department of Motor Vehicles within 48 hours. After waiting a thirty- (30) day period if the vehicle has not been removed, it will then be deemed abandoned and will then be towed (per N.M. State Statute 66-1-4.1, A, 1,2,3, and 4). Once the vehicle is impounded, another registered letter will be sent notifying the owner of the whereabouts of his/her vehicle. Every attempt to contact the owner prior to removal will be made. Once the owner is located, this information will be given to the owner and a supplemental report will be submitted. The registration inquiry and a copy of the registered letter will be retained and become part of the official police report

50.1.10 MISCELLANEOUS

Wrecker companies wishing to be placed on the department wrecker rotation log **must** submit a written request to the Chief or Deputy Chief of Police. Only the Chief or Deputy Chief may approve or disapprove these requests. The Chief or Deputy Chief has the authority to remove a towing company from the department wrecker rotation log. The Chief or Deputy Chief shall reserve the right to limit the number of Towing Companies on the rotation log based upon the City of Espanola's population growth. Companies requesting to be placed on the department's wrecker log **must have their storage facility within (15) fifteen miles the city limits of Espanola** and must be fenced.

The regulations as set by the City of Espanola relating to wrecker services within the jurisdictional boundaries of the Espanola Police Department and the City of Espanola with regard to the regulations supervising towing services will be followed when dealing with any wrecker service or tow service within the City of Espanola, as well as any regulations promulgated by the State of New Mexico Public Regulations Commission.

Drafted (rgb) 12/09

**TITLE: COLLECTION AND PRESERVATION
OF EVIDENCE**

CODIFIED: 51.1

EFFECTIVE: 09/01/09

PAGES: 6

PURPOSE

The purpose of this directive is to establish specific guidelines in the collection, processing, and preservation of all evidence that becomes the responsibility of the Espanola Police Department

DISCUSSION

The collection, processing and preservation of evidence are functions that are essential to any law enforcement agency where the effective investigation and prosecution of offenders rely mainly on the information obtained through careful, methodical and proper use of evidence.

POLICY

It shall be the policy of the Espanola Police Department to establish a set of thorough procedures and guidelines to be followed by all employees responsible for crime scene security and the collection and preservation of evidence.

PROCEDURE

51.1.01 Basic Steps for Crime Scene Processing.

- A. The first officer on the scene must ensure that the scene and perimeter are secure and protected and increase the outer perimeters of the area if necessary.
- B. The first responding officer and/or supervisor must conduct a preliminary survey after securing the scene. This is an initial walk-through of the scene in order to obtain an understanding of the scene as a whole, including the existence and location of readily observable items of possible evidence.

C. Officers arriving after the scene has been secured must contact the first officer/supervisor on the scene for pertinent information.

- 1. All personnel who enter the scene must be accounted for.

D. The narrative description of the scene is prepared during the preliminary survey. This is a description of the original conditions of the scene as found by law enforcement personnel. It is limited to a view of the scene as readily observed by the naked eye. Three (3) common methods of narrative preparation are:

- 1. Handwritten notes.
- 2. Audio recording.
- 3. Video with sight/sound capability.

- a. When a video is made, the video recorder shall be set to show the correct date and time the scene was recorded.
- b. It is imperative that once the video recording has begun, the officer maintain the recorder in a continuous running mode until the scene has been fully recorded.

- E. Record the scene.
- F. Evaluate latent print evidence.
- G. Evaluate physical evidence.

H. Conduct detailed search.

- I. Collect, mark, and record physical evidence.
- J. Conduct a final survey to ensure that conditions of the crime scene have been documented as thoroughly as possible.
- K. Release the scene.

51.1.02 Responsibilities of Supervisor in Charge of Crime Scenes

- A. It is the responsibility of the supervisor in charge of a crime scene to maintain control of the scene

and all personnel involved in the incident. In addition, the supervisor in charge of a scene shall ensure that:

1. The objectives of the crime scene search have been determined.
2. Equipment and personnel needs have been determined and/or requested (i.e.). Investigations notified.
3. Assignments for specific duties have been accomplished.
 - a. Assignments should be made consistent with the aptitude and training of the personnel involved.
 - b. Task assignments must be documented. This may be accomplished through the issuance of written assignments, the use of a voice recorder, or by taking written notes to document the assignments made.
 - c. Personnel given assignments must be made aware of the specific tasks and duties. (NO assumptions can exist in this area.)
 - d. The trading of assignments is not permitted.
4. Involved personnel must be briefed on the goals and directions of the search prior to the processing of the crime scene.
5. Officers should make no inferences that one assignment is of greater or lesser significance than others.
6. The Major Incident Checklist has been initiated.
7. A command Post has been established, if indicated.
8. Information for actions and direction has been reviewed on a constant basis as the crime scene investigation progresses.

9. Notes have been prepared to document actions and observations made.
10. Unforeseen circumstances are dealt with in a logical manner in keeping with the objectives of the search.

51.1.03 Collecting and processing Evidence in the Field

A. It is imperative that proper methods for collecting and preserving evidence be used in the field. Proper methods are those that will preserve the evidence in the process of collection, prevent introduction of foreign material to it and ensure as complete a sample as possible.

1. Evidence Collection

- a. Each item of evidence shall be labeled at the time it is collected, seized, or received.
- b. Each item shall be numbered separately and sequentially.
- c. Items should be tagged and placed in an appropriate package or container and sealed. If sealed with evidence tape, the seal should be marked with the name or initials and ID# of the person collecting the evidence, along with the Offense Incident (O/I) # and date, and Item #. If the evidence tag cannot be attached to item itself, it should be securely attached to the package or container holding the item.
- d. Items should also be labeled or tagged in such a way as not to lessen its evidentiary value.
- e. Either an initial or supplementary report detailing the circumstances by which the property came into the department's possession and describing each item of property obtained shall be submitted for all assignments.

2. Officers or Crime Scene Technicians collecting evidence, property, or found items will be responsible for the proper

preservation and safeguarding of these items until they have been logged into agency records and secured in evidence lockers or released to the Property Custodian before the officer ends his/her tour of duty.

51.1.04 Recording the Scene

- A. The crime scene technician shall report directly to the supervisor/officer in charge of the incident and shall be responsible for recording all evidence in the following manner:
 - 1. Evidence sent to a forensic lab for analysis must be accompanied, when possible, by standard samples for comparison with the evidence material. To be used as a standard, the material must come from a known source.
 - 2. The major value of lab examinations concerns the identification of substances and comparisons of these with materials from known sources. This is especially true in the analysis of hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks. The location from which standard samples are collected is critical where fractures have occurred, such as in the case of glass, wood, paint, and metal.
- B. Vehicles used by crime scene technicians will have, at a minimum, equipment to be used for the following purposes:
 - 1. Recovery of latent fingerprints.
 - 2. Photography.
 - 3. Sketch of the scene.
 - 4. Collection and preservation of physical evidence supplies.

51.1.05 Forensic Laboratory Submission.

- A. Perishable evidence that should be analyzed by a forensic lab must be submitted as soon as possible. Until the evidence is submitted, it will be packaged in a manner to preserve its current state and stored in the evidence refrigerator.
- B. When a lab will not accept evidence without standard samples, the evidence may be held in property storage pending collection of comparison sample.

51.1.06 Crime Scene Equipment.

- A. Crime scene technicians and detectives will have at least the following equipment available to them:
 - 1. Fingerprint kit.
 - 2. Tool mark kit.
 - 3. Snow print kit.
 - 4. Video equipment.
 - 5. Assorted photographic equipment and lighting.

51.1.07 Photographs

- A. All commissioned and sworn officers will be trained in basic crime scene photography.
- B. The first shot should be of a sheet of paper showing, at a minimum, the following information:
 - 1. Case number.
 - 2. Date photographs were taken.
 - 3. Name of photographer.

51.1.08 General photography procedures

- A. Begin at a distance from the subject for a wide shot and work in towards the subject for close-ups.
- B. The scene should be free of all extraneous objects (notebooks, flashlight, officers, unit, etc.)
- C. The first shots of a subject should be free of scales. A scale may be used following the first shots.

- D. A scale must be used with small or easily destroyed subjects, such as tool marks, shell casings, blood splatters, bite marks, foot/shoe prints, tire prints, etc.
- E. Photograph windows or highly reflective objects from an angle off the perpendicular to reduce reflections of the flash and the photographer.
- F. If necessary, include an indicator for North.
- G. Periodically include nearby objects for reference.

51.1.09 Specific photography procedures for:

- A. A dwelling, building, or room.
 - 1. Photograph the location (exterior showing address or nearby street signs).
 - 2. Photograph the exterior of the building or entrance to the room (start out far and work in).
 - 3. Photograph from the four cardinal points (north, east, south, and west) or perpendicular to walls.
- B. Vehicles
 - 1. Photograph from each side.
 - 2. Photograph the license plate from a medium distance to include the rear or front of the vehicle, then get a close-up of the license plate and the Vehicle Identification Number.
- C. Tracks or prints.
 - 1. Photograph from directly above and also from an angle to show depth and design.
 - 2. Photograph from the four cardinal points (north, east, south, west).
 - 3. Photographs will be made of prints or tracks before attempting to recover the impressions using casting techniques.
- D. Photographs submitted as evidence require proper documentation.
- E. The narrative section of the report must contain, at a minimum:
 - a. That photographs were taken.
 - b. The name of the photographer.
 - c. The name or description of the subject.
 - d. Details of the subject (head injuries, shoe prints, point of entry, blood splatters, etc.)
 - e. The location where the photographs were taken.
 - f. Type of camera used (35mm, instant Polaroid, video, digital etc.)
- F. Disposition of the photographs or video tape.
 - 1. The photographs, film, or video tape must be listed in the property section of the report.
 - 2. Exposed rolls of film will be placed in a film envelope and submitted as evidence.
 - 3. If instant photographs are used, the photographer's initials, date, time case number, and numbering sequence (1 of 6, 2 of 6, etc.) must be written on the back of the photograph.

51.1.10 General video camera procedures

- A. When a video camera is used, the date and time indicator must be activated, at least, at the beginning and the end of each video tape or disc. The indicator must be used throughout the entire recording.
- B. Video recording will be used only as an addition to still photography, not as a replacement.
- C. Only one case or incident will be recorded on a single video tape.
- D. Each video tape or disc will be marked with:

- 1. The case number.
- 2. The name of the camera operator.
- 3. The date and time.
- E. It is sometimes advisable to disconnect the microphone during taping and dub the voice in at a later time. This eliminates extraneous noises recorded at the scene such as radio transmissions, traffic noise, unexpected vocal outbursts, etc.
- F. Prior to submitting a video tape as evidence, the recording tab should be removed from the back of the tape housing to prevent accidental re-recording or erasure of the tape.
- G. Video tapes or discs submitted as evidence require proper documentation. The narrative section of the report must contain, at a minimum:
 - 1. That a video recording was made.
 - 2. The name of the camera operator.
 - 3. The subject.
 - 4. The location where the video tape was made.
 - 5. Disposition of the video.
- H. The video tape or disc must be listed in the property section of the report.

51.1.11 When a scene sketch is necessary, a rough sketch will be made at the scene with sufficient information to prepare a final, more precise drawing. The rough sketch will be part of the case file and is not to be destroyed. The final sketch may be either manually or computer drawn. The diskette used in the preparation of a computer sketch must be submitted as evidence. The following information must be included on the final draft:

- A. Measurements and dimensions;
- B. If it is drawn to scale;
- C. Address or location;

- D. Location of significant features;
- E. Relation of the scene to other buildings, or geographic or geologic features;
- F. Names of the person who prepared the sketch and the person that assisted with measurements;
- G. Date of sketch;
- H. Direction of North; and
- I. Location of physical evidence.

51.1.12 Responsibilities of the officer who recovers a stolen vehicle:

- A. The owner is to be notified of the recovery with information regarding the recovery location, vehicle condition, impound location, and whether it can be released.
- B. If an outside agency originated the report, it is to be notified by teletype of the recovery along with a confirmation request from the agency that the owner was notified.
- C. Clear the vehicle from NCIC and include the NCIC documentation in the report.
- D. Process the vehicle to locate evidence.

51.1.13 **Chain of Custody**

- A. Information on the evidence tag is the record of chain of custody. Chain of custody is a record of transfer of physical evidence from one person or entity to another. The record will be maintained at the bottom of the evidence tag. The record regarding chain of custody shall include:
 - 1. Date and time of transfer.
 - 2. The receiving person's name and functional responsibility.
 - 3. Reason for transfer.

- 4. If applicable, the name of the court of venue.
- 5. If applicable, the name and location of the examining laboratory.

B. When evidence is taken or sent to a criminal forensic laboratory, a request will be made to have the analysis results sent to the submitting officer. A letter is to accompany the evidence stating:

- 1. Name of officer last having custody of the item.
- 2. The date and time of submission or shipping.
- 3. What type of analysis is requested and what type of analysis has been attempted.
- 4. Case number and name of the last person to have custody of the evidence.
- 5. Specific information requested or required by the lab.

C. A request will be made to any forensic lab to submit written results of any analysis to the Department.

51.1.14 Evidence Tag

A. Evidence tags will be prepared for all items submitted for evidence, seizure, safekeeping, and found items. An evidence tag supplement (UN-numbered evidence tag) will be used as a receipt when a found item is returned to the owner before the item can be turned over to Property. A receipt will also be given for an item taken for safekeeping. The evidence tag must contain the information outlined in the Department Directive entitled, "Forms, Design, Development, and Application".

51.1.15 Felony Arrests

A. All personal possessions of evidentiary value will be taken as evidence from all felony suspects arrested at the time of the offense, or shortly afterward.

- 1. This may include all clothing (shoes, socks, underwear, hats, etc.) wallet, purse, bags, and packs.
- 2. The items will be taken after the suspect has been transported to the detention center.
- 3. If a suspect taken to a hospital for treatment has to stay, the possessions will be taken at the hospital.
- 4. An inventory of the suspect's possessions shall be made and all items seized shall be listed individually on the Evidence Tag.
- 5. REFER TO SECTION **51.1.03** OF THIS DIRECTIVE FOR COLLECTION AND PRESERVATION OF THIS EVIDENCE.

Drafted (rgb) 08/09

TITLE: EVIDENCE MANAGEMENT**CODIFIED:** 52.1**EFFECTIVE:** 09/01/09**PAGES:** 7**PURPOSE**

The purpose of this directive is to establish guidelines and responsibilities for the storage of evidence and property within the Evidence Section of the Espanola Police Department.

DISCUSSION

This Directive will address evidence and property in the custody of the Department and that, which is acquired by the Department as found, recovered, or evidentiary property. The Department's Evidence Custodian shall develop and maintain strict controls with respect to the handling, security, and disposition of property.

POLICY

It is the policy of the Espanola Police Department to provide for the safe, efficient, and careful handling and preservation of all property and evidence that comes under the control of the Department and to ensure the proper chain of custody on each item.

PROCEDURE**ADMINISTRATION**

52.1.01 All recovered, or evidentiary property shall be stored in the Department's evidence storage facility at the police department or in a secured compound lot on N. Prince Rd.

52.1.02 All found property will be submitted at the discretion of the on-duty commander.

STORAGE AREAS

52.1.03 The Department maintains its primary storage facility at 1316 C Calle Adelante, Espanola, NM 87532. The facility serves as:

- The Department's evidence storage facility.

52.1.04 The Department maintains its secondary storage facility on N. Prince Road, Espanola, NM 87532. The facility serves as:

- The main vehicle storage compound.

RESPONSIBILITY/ACCOUNTABILITY FOR EVIDENCE

52.1.05 Only those persons, (Property Custodian) assigned directly to the Evidence Section shall have the authority to access secured areas. All others will have escort by the custodian.

52.1.06 Officers or Crime Scene Technicians collecting evidence, property, or found items will be responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the Property Custodian.

A. Officers/Technicians will ensure that these items have been properly marked, sealed and labeled prior to leaving the scene and turning into evidence.

52.1.07 The Property Custodian will be responsible for the preservation, safeguarding, and disposition of all submitted property. The Property Custodian will not be responsible for any evidence or property not turned in or where no receipt was obtained. The duties of the Property Custodian are:

A. Maintain all evidence and property in a secure location designated as the property room.

B. Record all submitted evidence and property.

C. Regularly inspect and empty the secure evidence lockers.

D. Keep the area secure at all times, which can include, when the Property Custodian is in the property area.

E. Maintain custody of evidentiary vehicles stored in the impound lot. Vehicle keys will be turned in to the property custodian along with an evidence tag.

F. Maintain a sign-in log at the entrance to the Property Section and be responsible for obtaining a signature from authorized persons entering the secure area.

G. Dispose of all property in accordance with all applicable laws and ordinances.

52.1.08 Evidence Logs:

A. The Property Custodian shall maintain a computerized log of all items submitted for evidence or safekeeping and the log will contain the information documented by the submitting officer on the evidence tag.

B. Commanders will maintain a log of all evidence tags submitted by officers under their command.

1. The logs will be available at any time for the purpose of an audit.
2. Copies of the evidence tag will be maintained by the evidence custodian in accordance with the New Mexico Records Retention Act.

52.1.09 Examination of Evidence by Outside Agencies:

A. When evidence needs to be examined by an outside agency, the investigating officer shall retrieve the evidence from Property and personally deliver it to the outside agency or ship it by registered mail.

1. When the examination is completed by the outside agency, the investigating officer is responsible for the return of the evidence from the agency to the property officer.

52.1.10 Tracking of Evidence Submitted to Outside Agencies:

A. Evidence that is transferred from a scene or an officer's custody directly to an outside facility, bypassing the Department's Property Unit, must be cataloged by the Property Custodian.

1. An inventory list or a copy of a receipt for evidence submitted to a facility (i.e. crime lab) other than the Department's Property Unit is to be submitted to the Property Custodian.
2. The information will be entered into the property control computer so that the location and status of the evidence can be tracked.

52.1.11 Laboratory Analysis of Narcotics Evidence:

A. Evidence to be taken to the Department of Public Safety Crime Laboratory for analysis will be retained and submitted by the investigating officer. Submission to the Department of Public Safety Crime Lab shall be within twenty-four (24) hours, or if on a weekend, submission must be on Monday.

1. All required lab forms will be completed when submitting the items, and a copy of the lab receipt will be included with the items upon return to the officer. This copy shall be submitted to the Property Custodian along with the returned evidence.
- B. A report will be written by any person that conducted a field test for any suspected controlled substance.

52.1.12 Miscellaneous:

A. No evidence or property will be left unattended and unsecured or turned into anyone other than the property custodian.

B. The Property Custodian will have a storage refrigerator available for perishable items placed into evidence.

1. Items requiring refrigeration will be packaged and tagged separately from items which do not need to be refrigerated.
- C. The Property Custodian is responsible for ensuring that the property record system is updated on a daily basis.
1. The date and time property is received or released, the location of property, and the amount of property on hand is to be included in the evidence record.
2. The complete chain of custody will be kept from the time the property was stored until its final disposition.
3. The dates and results of all inspections, inventories, and audits will be included.

PROCEDURES FOR SUBMISSION OF EVIDENCE

52.1.13 Items to be Tagged:

A. An evidence tag shall be completed on all articles of evidence, confiscated property, and found items.

1. Each tag will be properly filled out and include all available information.
2. The evidence tag will be approved and initialed by submitting officer's supervisor.
3. The evidence shall be submitted to the property/evidence control function by the submitting Officer prior to end of his/her tour of duty.

B. After the property custodian accepts the tagged evidence, the submitting officer's copy of the evidence tag is returned to the commander for verification.

C. It will be the duty of the investigating officer to make an attempt to locate the owner of any found item.

1. If the owner is found before the property is turned over to the property custodian, the officer shall return the item to the owner and obtain a signed receipt.
2. An evidence tag will be used as a receipt and if desired, remaining copies will be turned in with the report.

D. The Property Custodian shall be responsible for mailing or shipping found items.

E. Items will be released after proof of ownership has been presented.

F. Only properly tagged, prepared, and packaged evidence will be placed in the evidence lockers.

G. If, after regular business hours, evidence that is oversized or that has an inordinately high value cannot or should not be placed in a locker, the Property Custodian may be called out to receive the property.

1. The Lieutenant must authorize the call out. If the property custodian cannot be located, the initial officer is still responsible for the security of the evidence until it can be submitted.
2. Evidence shall never be left unattended in any team/unit office or in any other unsecured area of this Department.

52.1.14 Wet Blood Items:

A. Since it is necessary to dry evidence that is wet with blood (or other body fluids) prior to being

packaged and submitted as evidence, the following procedures will be followed:

1. The evidence will be placed in paper containers when they are collected.
2. The evidence will be hanged in the designated biohazard evidence locker to dry.

B. The paper container used to transport the evidence will also be placed in the same locker.

C. The dried evidence, transport container, and locker lining paper will be placed in a second clean, paper container and turned in as evidence in the normal manner.

D. Latex gloves and protective clothing will be worn while handling items that have blood on them. Preferably, double gloves should be worn.

E. The Property Custodian or Crime Scene Technician is to ensure that all lockers have been thoroughly cleaned after each use. The following cleaning procedure will be used:

1. The person that cleans the locker will wear double latex gloves.
2. Wash the interior of the locker with a 10% chlorine bleach solution.
3. Re-line the interior of the locker with clean, new, white butcher paper.

52.1.15 Tagging Drugs and Other Drug Related Items:

A. Due to the hazardous nature of controlled substances and related materials used in the production of controlled substances, the following procedures will be used when tagging these items for evidence:

1. Controlled substances, with the exception of marijuana, will be submitted with a separate evidence tag. The evidence will be sealed in a plastic bag and the submitting officer will initial the seal with a permanent marker.
2. Tablets, pills, capsules, etc., submitted as evidence will be counted. The amount will be noted on the description section of the evidence tag.
3. The sealed plastic bag will be weighed and the weight will be written on the evidence tag. Scales are located on the table at the evidence lockers.

- B. Controlled substances will be packaged separately according to type (marijuana, cocaine, amphetamines, barbiturates, etc.). Controlled substances and any paraphernalia or equipment will not be packaged together.
- C. Marijuana that is not completely dry will be packaged in a paper bag or cardboard box with an evidence tag attached to the exterior of the package. "Green marijuana" will be written in the description section of the evidence tag.
- D. The Property Custodian will dry all marijuana that is not completely dry when it is submitted. When the marijuana is dry, the narcotics custodian will package, seal, and weigh the marijuana in the narcotics evidence room. Under no circumstances will marijuana that is not completely dry, be placed in airtight bags or sealed containers.
- E. Hypodermic needles confiscated, as evidence must be securely and safely packaged and turned over, in person to the Property Custodian or designee. Under no circumstances will hypodermic needles be placed in any evidence locker.
 - 1. In a situation concerning found hypodermic needles not suspected of being involved in criminal activity, the officer may dispose of them in a safe manner.
 - 2. The approved method of disposal is through the use of an OSHA approved container, which may be turned in at area hospitals or through the Property Section.

52.1.16 Storage of Controlled Substances:

- A. The Property Custodian will store all controlled substances in the narcotics vault located in the evidence room
- B. The Property Custodian will have either combination or key needed to open the narcotics vault. The Lieutenant or designee will have the other.
- C. The chain of evidence should consist of only the investigating officer, the analyst, and the Property Custodian. The investigating officer will keep a record of the receipt only.
- D. At no time will any one person be in possession of both access keys to the narcotics vault.

- E. A log of all money, narcotics, and other evidence placed into the narcotics vault or lockers will be kept and maintained by the Property Custodian.
- F. All containers of narcotics, controlled substances, and dangerous drugs shall be periodically inspected for tampering or replacement. The containers holding these substances shall be officially sealed in tamper-proof packages.
- G. All contingency money used by the Investigation Section will be kept in designated safe until properly dispensed. Expenditures of contingency money will be reported to the Deputy Chief's office on a monthly basis. It shall be the responsibility of the Investigations Sergeant/Lieutenant to accurately balance and report this fund. The logs will include the case number of the investigation and name of the officer requesting the funds.

52.1.17 Submitting Jewelry and/or Precious Metals:

- A. Jewelry/precious metals will be packaged separately from other evidence or items, in sealed plastic bags with a supplemental evidence tag. Jewelry and precious metals will be stored in a special area for jewelry in the evidence room.

52.1.18 Submitting Firearms:

- A. All firearms will be run through N.C.I.C prior to submission into evidence.
- B. Due to the hazards involved with the handling of firearms, the following procedures will be used when submitting a firearm to Property:
 - C. All firearms will be unloaded prior to being turned into Property. If the firearm cannot be unloaded, the firearm and package will be boldly and clearly marked to alert the property custodian.
 - D. Firearms should be packaged in paper bags or cardboard boxes only. The evidence tag will be attached to the outside of the package.
 - E. Cartridge casings and unfired ammunition removed from the firearm, including magazines, will be secured with the firearm.

52.1.19 Submitting Knives and Needles:

- A. Due to the extreme biological hazards associated with these items, special attention and care must be used in collecting, packing, and submitting them.

- B. Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.
- C. Knives with exposed blades will be placed between two pieces of cardboard and will be secured to prevent the cardboard from being accidentally removed from the blade and placed in a knife container.
- D. Needles must be securely packaged to avoid accidental exposure or punctures as described in this Directive.

52.1.20 Submitting Money/Currency:

- A. When monies are to be taken into the custody of the Espanola Police Department, they must be identified as belonging to one of the following categories.
 - 1. Confiscated/seized monies apply to the category of monies taken during an investigation of an incident in which the monies could become the subject of forfeiture under law. to include 30-31-34 NMSA.
 - 2. Evidence monies are those in which the actual money is considered evidence of the criminal act. This type of evidence includes bank bait straps; unique currencies that can be identified easily; monies intentionally marked by this agency for use in an undercover operation; or monies that must be fingerprinted.
 - 3. Monies that fall into the safekeeping category are limited to money/currency that is found and turned over to the Espanola Police Department; monies that are found and the owner cannot be identified or located; and money that has been turned in which has an actual value that exceeds face value such as coin collections or rare bills.
- B. Once the determination has been made to take money into custody the officer shall count the money in front of the person from whom it is being taken, if possible.
- C. The submitting officer will count the money again in the presence of a commander. At that time the money will be sealed in an envelope and the following information will be written on the outside of the envelope:

- 1. Offense/Incident number;
- 2. Date;
- 3. Dollar amount;
- 4. Name and signature of the submitting officer;
- 5. Name and signature of the verifying Commander;
- 6. The category of money being submitted. (Confiscated/seized; evidence; safekeeping)
- D. The sealed envelope will be attached to a evidence tag if the money is the only item being submitted; or
- E. The envelope will be attached to a supplemental tag if other items from the same case are being submitted as evidence (no other items shall be listed on the money or envelope or tag).
- F. The amount of money being submitted will be documented using the actual denominations, such as five dimes or three, one-dollar bills.
- G. Currency/Money shall be submitted as follows:
 - 1. Confiscated/seized money will be turned in to the Property Custodian or designee.
 - 2. Evidence money will be turned in to the Property Custodian. Submission shall be in person during normal hours of operation.
 - 3. Safekeeping monies will be submitted directly to the Property Custodian or designee with the exception of rare coins/currency or coin collections. Currency/coin that has a higher actual value must be submitted to the Property Custodian for safekeeping.
- H. Money that is submitted as confiscated or safekeeping (other than rare or collector coin/currency) will be transferred to the Police Department Escrow Account as soon as possible. A log of these monies will be kept by the proper authority and receipts will be obtained from the City Cashier's Office for retention and audit purposes.
- I. Disbursement of all monies held by the agency will be done through court order, release order from the District Attorney, or upon identification and location of an owner.

52.1.21 Vehicles as evidence:

- A. A commander that authorizes the impound of a vehicle in the Department impound lot will complete the impound log.
- B. The investigating officer will indicate, in the report, the reasons for a vehicle impoundment.
- C. Owners wishing to obtain a vehicle from the impound lot must have an authorization letter from the Office of the District Attorney or a court of law.
 - 1. When a vehicle that is no longer needed for evidentiary purposes is to be released from impoundment, a notice will be sent by registered mail to the registered owner advising of the status of the vehicles.
 - 2. After receipt of the notice, the owner will have 30 days to remove the vehicle from Department impound lot.
 - 3. Released vehicles that are not taken from the impound lot after 30 days will be transferred to a private storage lot. The owner of the vehicle will be responsible for all charges incurred.
- 5. Any property acquired through legal process will be utilized or disposed of as ordered by the Chief of Police or designee. This will only be done after the property has been awarded to the City by a court of competent authority and within the guidelines set by law.

52.1.23 Use/Disposal of Forfeited Property/Vehicles:

- A. All forfeited property or vehicles shall be disposed of as ordered by the Chief of Police or designee and only after being awarded to the City by a court of competent authority and within the guidelines set by law.
- B. Property that is to be disposed of shall be either auctioned or destroyed in the manner prescribed by law, after the proper court order has been submitted and signed.

52.1.24 Disposition of Articles Placed into Evidence:

- A. Release of evidence for use in court.
 - 1. The Property Custodian may release evidence to the concerned officer for use in court or may personally transport the evidence to court to maintain its integrity. In the event that evidence is released, and such evidence is admitted as an exhibit at a hearing or trial, or otherwise taken into custody of the court, the member responsible for such evidence shall submit a report supplement, using the same case number, specifically listing each item retained by the court.
 - 2. The Property Custodian shall get at least 48 hours advance notice for the retrieval and release of evidence needed by an officer subpoenaed for court or a hearing. An exception would be if a subpoena is issued on short notice.
- B. Release or disposal of evidence and other property.
 - 1. The release or disposal of evidence after adjudication will be the responsibility of the respective Property Custodian. This release or disposal will be done in accordance with all municipal ordinances, state statutes, or court orders.
 - 2. No officer or commander will make appointments for people with the Property

Custodian for the purpose of releasing or viewing items. The people will be told to contact the Property Custodian at the department to make the arrangements concerning property.

3. All items will be released to the rightful owner or will be disposed by the Property Custodian in accordance with the municipal ordinances, state statute, or court order.
4. Property unclaimed by the owner, that is no longer required for any judicial purpose, is not needed for any public purpose, or has been left in the possession of the Department for more than 90 days shall be sold at public sale, reverted to City use, or destroyed. No property will be returned to any person that has turned in property but is not the owner.
 - Cash money is deposited at City Hall and deposited into the General Fund.
5. Final disposition of found, recovered, and evidentiary property will be accomplished within six months after legal requirements have been satisfied. This will prevent an overload on the property management system and reduce the need for additional storage space. Photographs will be taken of property prior to its return to the owner.
6. Any person not employed by the Espanola Police Department who requests to photograph any item held as evidence must have an authorization letter from the Office of the District Attorney or a court of law.

C. Destruction or disposal of controlled substances and firearms.

1. The Investigations Commander and the Property Custodian will be responsible for arrangements for destruction or disposal of all controlled substances and firearms in accordance with applicable laws.

INSPECTIONS/INVENTORY

52.1.25 An annual audit of property held by the agency is conducted by an employee not routinely or directly connected with property control.

52.1.26 When a change of Evidence Custodians occurs an inventory of the property held in the

Evidence Section shall be conducted by the new Evidence Custodian and Chief of Police's designee to ensure that records are correct and properly annotated. When the new Evidence Custodian signs for the inventory he/she becomes responsible for the total inventory.

52.1.27 Unannounced semi-annual inspections shall be conducted of the property storage areas to include random inspections of records with physical property, as directed by the Chief of Police.

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PURPOSE

This policy is established to provide guidelines for enforcement personnel so that searches and seizures comply with Constitutional requirements.

DISCUSSION

The area of constitutional search and seizure law is vital to the day-to-day functioning of law enforcement officers. This directive shall briefly highlight the major topics in order to provide a ready reference for officers.

Because of the changing nature of this topic, officers must stay abreast of recent court decisions and case law that may affect them.

POLICY

It is the policy of the Espanola Police Department that all searches and seizures of private property will be conducted within well-defined, lawful, and constitutional guidelines. As such, this policy will serve as a standard for all matters concerning search and/or seizure.

In all cases, measures shall be taken to assure that all constitutional safeguards are provided to non-English speaking and/or hearing impaired persons in a manner that is clearly understood.

PROCEDURE**EXCEPTIONS TO THE REQUIREMENTS OF A SEARCH WARRANT****55.1.01 CONSENT SEARCHES**

A. An officer may conduct a search without a warrant and without probable cause if the person to be searched gives consent to search.

B. Consent searches are limited in scope by request of the officer and the permission given by the person granting the consent to search.

1. The officer may not legally search beyond the extent of the permission, which has been given. In addition, the consent to search lasts only as long as the person granting the consent does not change his/her mind.
2. The person granting the consent to search may also limit the area covered by the consent: i.e., giving consent to search only one room or one area or may tell the officers to stop at any time.

C. Because there is a legal presumption against a waiver of a constitutional right, the State (the officers) have the burden of proving to the Court that the consent to search, a waiver of 4th Amendment rights was made voluntarily.

1. In determining whether the consent is valid, the Courts look at the age, education, mental condition, whether the person granting the consent was intoxicated, previous contacts of the person giving consent, as well as any other factors which may relate to the question of the voluntary nature of the consent.
2. The courts will also look at the circumstances surrounding the giving of consent much the same as they look at a waiver of Miranda rights. If it appears that the person has been coerced into the consent, the consent will be deemed involuntary and, as a consequence, anything found as a result of the search and seizure will be suppressed.

D. It is always best to record the request for consent and consent to search. This can be done either by tape recording or in writing on a Consent-to-Search form.

1. Either method provides the Court with a clearer picture of the person's waiver of his/her Amendment Rights.
2. Unlike cases involving in-custody questioning where a person must be warned of the rights he/she has in order to have a voluntary waiver of those rights, a person need not be informed of his/her right to

refuse the request of the officer for consent to search. However, the much better practice is to advise them of such a right and note such advise in the officer's report. Again, this advice helps establish that the person has given voluntary consent to search.

E. In addition, the courts look to the following environmental factors to determine the voluntarism of the consent to search.

1. Was the person detained for a long time or a short time before the consent was given;
2. Was the person threatened, physically intimidated or punished;
3. Did the person rely on promises or misrepresentations by the police or others;
4. Was the person in custody or under arrest;
5. Was the consent given in public or secluded place;
6. Did the person object to the search or stand silently by while it occurred?

F. Officers must be cautious when seeking to obtain consent to search from a third party, one that is not the owner.

1. The courts have ruled that any person who possesses authority over or otherwise has a sufficient relationship to the premises or effects sought to be searched may grant authority to enter and/or search.
2. "Actual Authority" is required for consent; there is not a "good faith" exception in New Mexico.
3. Care in these circumstances must be exercised.
 - For instance, a landlord may not consent to the search of a rented house. Parents may not consent to a search of child's room if the child maintains a reasonable expectation of privacy in the room. (The child must be 18 years of age or older in order to maintain a reasonable expectation of privacy. However, the circumstances may change depending on the living arrangements made with the parents. For instance, the child may be 16 or 17

years of age and be paying rent.) The same is true for third parties who stay overnight.

4. In making a determination in the ability to give consent; see if the person giving consent has mutual use or joint access to the property.

G. In searching residences based on consent, remember that the 4th Amendment protects the privacy interests of people.

1. A roommate may be able to give consent to search the areas of common use in the house but probably not the private room of his/her co-tenant.
2. Likewise, consent to search an area does not automatically carry with it a right to search locked or closed containers of another even if found in the common area.

H. If there is a question as to the validity of the consent or scope of the search, do not hesitate to contact the on duty commander/supervisor; and if the matter cannot be resolved or is still in doubt, contact the on-duty Assistant District Attorney.

I. Consent to search is also typically used to draw blood for blood alcohol and/or drug tests, however, if the person refuses to submit to the test, a search warrant must be obtained.

1. If there is probable cause to believe the driver was under the influence of alcohol and/or drugs and the driver caused great bodily harm or death to another as a result of his operation of a motor vehicle while under the influence of alcohol and/or drugs, or this is the driver's fourth or subsequent DUI arrest, and the driver refuses to submit to a blood alcohol test, the officer shall seek and obtain a search warrant for the drawing of the blood sample.
2. Once the search warrant is obtained, the blood may be taken even over the objection of the driver. It is important to note that even if the officer eventually gets the blood sample as a result of a search warrant, the driver has still refused the test and the refusal may still be reported to the New Mexico Department of Motor Vehicles.

- 3. Officers may no longer obtain the results of hospital blood tests for the purpose of determining probable cause. These tests are protected under the physician patient confidentiality.
- J. Consent to search is required to draw bodily fluids or tissues, however, if the person refuses to submit, a search warrant must be obtained.
- K. With vehicle traffic stops, officers cannot ask to search the vehicle, unless the search is related to the traffic stop.

55.1.02 SEARCH INCIDENT TO A LAWFUL ARREST

- A. Once a person has been lawfully arrested, a search without a warrant may be conducted of the arrested person and the area immediately surrounding the arrested person in which he could hide weapons or from which he may be able to obtain and destroy evidence.
 - 1. The scope of this search is limited to the area immediately surrounding the arrested person.
 - 2. Officers cannot lead an arrested person throughout his residence and justify a search of the entire residence as incident to arrest.
- B. There are several factors, which the courts use to evaluate the validity of this exception to the search warrant requirement.
 - 1. The search must be contemporaneous in time and place to the arrest of the person.
 - 2. Police may search only the person and immediate area from which evidence or weapons could be obtained.
 - 3. The search is invalid if the arrest is merely a pretext to allow the search of the person or the surrounding area.
 - 4. Locked areas and items which may contain a weapon or evidence may not be searched if it is unreasonable to believe that the person could obtain such items and destroy them or pose a threat to officers making the arrest.

55.1.03 PROTECTIVE SWEEPS (WHERE ARREST HAS BEEN MADE)

- A. A home or other premises where a lawful arrest has been made may be subjected to a limited "sweep," for the purpose of finding other persons, if the circumstances give the arresting officers a basis for reasonably believing that there are other persons on the premises who pose a danger to those at the arrest scene.

55.1.04 HOT PURSUIT

- A. To apply this exception, police must have probable cause to believe that a serious crime has been committed, that the person they are pursuing committed it and that the person is in the dwelling or structure they are entering.
 - 1. The time between the finding of probable cause to believe that a person is in a given building and the warrantless entry should be short and there should be some semblance of continued pursuit throughout the period.
 - 2. The key question to be answered in this matter is whether police would risk losing a suspect if time were taken to obtain a warrant.
 - 3. The scope of the search must be limited to areas where the suspect could reasonably be found.
 - 4. Once the suspect is located, further search beyond his reach, incident to arrest, cannot be justified unless there is more than one suspect or a protective sweep can be justified
- B. If it is believed that evidence may have been placed or hidden in the residence by the suspect and it is not found on a search incident to his arrest, a search warrant must be obtained before there is a further search of the residence.

NOTE: THIS EXCEPTION CANNOT BE USED TO JUSTIFY THE POLICE IN PROCESSING A CRIME SCENE.

BEFORE A CRIME SCENE CAN BE PROCESSED IN A RESIDENCE OR VEHICLE OR OTHER BUILDING IN WHICH PERSONS HAVE A POSSESSORY INTEREST, A SEARCH WARRANT MUST BE OBTAINED.

55.1.05 STOP AND FRISK

A. Terry v. Ohio, 392 U.S. 1 (1968), gave officers the right to conduct a limited pat down of a person they lawfully stopped when they have reason to believe that the person is armed and/or presently dangerous.

B. Factors the Courts consider in this regard to determine the reasonableness of a pat down include:

1. You have to have knowledge of facts that reasonably lead you to believe that the suspect is involved in criminal activity.
2. You identify yourself as a Police Officer and make reasonable inquiries as to the suspect's conduct.
3. His response to your stopping him and questioning him does not relieve your suspicions.
4. Suggestive movements by the suspect, and there are visual clues as to the presence of weapons.

C. You may frisk the suspect if you have knowledge of facts that reasonably lead you to believe that the suspect is armed or otherwise dangerous to yourself or others. A frisk must be a carefully limited search of the suspect's outer clothing, aiming at discovering weapons.

1. Items that feel as if they may be weapons may also be removed to determine what they are.
2. It must be remembered that a pat down is a search for weapons and is not an authorization for a complete search of the person or the pockets or clothing of the person unless intrusion is justified in retrieving something which the pat down found which reasonably could be believed to be a weapon and inspection of the item is reasonable to determine its nature.

55.1.06 PLAIN VIEW

A. If officers are legally in the area or at a location, they may seize any item in plain view, which is evidence of a crime, contraband, or items that are otherwise seizable by the police.

B. The key to this exception to the search warrant requirement is that the officer be legally in the position he is at when the observation of the crime occurs. Such authority may be in the form of:

1. By some other exception to the search warrant requirement.
2. Objects noticed by the officer, which are open to public view.
3. During execution of a search warrant.

NOTE: Officers may not make entry into a vehicle based on plain view.

C. There are two (2) tests which must be met in order to seize the property which is observed in plain view:

1. The police officer must be lawfully present at the location of the seizure.
2. The items seized must be immediately recognizable as evidence or contraband.
 - a. The items seized, must by its own nature, the way it looks, the way it smells or the way it sounds, give police probable cause to believe that it is evidence of criminal activity.
 - b. If, during the course of executing a search warrant, officers come upon property which they believe to be stolen, the officers must be able to articulate a sufficient basis for the probable cause to believe that the items are stolen when they observed them and before they "seized" the items to check serial numbers or other identifying marks which may be contained on the items.

55.1.07 INVENTORY SEARCHES

A. Inventory searches of vehicles are valid if:

1. The vehicle is lawfully in police custody, and
2. The inventory is conducted pursuant to established police regulations.

B. The purpose of an inventory search is not to search for contraband or for evidence of a crime but to justify and note property, which has come

into the possession of police officers. The purposes of inventory searches as outlined by the Courts are;

1. To protect the owner's property while the vehicle is in police custody by creating a record of the property.
2. To protect police from unfounded claims of lost property.
3. To protect the police from potential danger.

C. While officers have a duty to follow department guidelines in conducting inventory searches of vehicles, officers are not allowed to arrest persons for the purpose of seizing their vehicles and then using an inventory search as a pretext to search the vehicle.

D. If an inventory is to comply with the reasons outlined by the Courts for allowing them in the first place, then it stands to reason that containers within the vehicle may also be searched to determine their contents in accordance with the department's policy.

55.1.08 PROBABLE CAUSE & EXIGENT CIRCUMSTANCES

A. Exigent circumstances are circumstances which arise which call for emergency and/or immediate action by law enforcement officers to prevent the imminent destruction of evidence or to save persons from death or injury.

1. The exigent circumstance exception is generally used to justify entry into a building or residence without a search warrant, and when probable cause exists to search.
2. It is important to remember that once the emergency ends so too does the exigent circumstance. Officers, depending upon the circumstances at the time, may be justified in making a protective sweep of the premises or conducting a search incident to an arrest.

B. This exception to the search warrant requirement is not a blanket authorization to search everywhere and everything.

1. Once the person is out of danger or once the evidence that was going to be destroyed is saved, the search must end.

2. If there is need to search further, and probable cause can be found to support the further search, a search warrant for the remainder of the premises must be obtained.
3. As with other exceptions, this is not an authorization to process a crime scene. Even if exigent circumstances justify the entry, officers must obtain a search warrant before any processing of a crime scene is begun.

C. It is important to note that officers cannot "create" the exigent circumstance to gain entry or access and then to justify the entry or access based upon an exigent circumstance they have created. Any evidence so received would be suppressed.

55.1.09 ARRESTED PERSONS

- A. Persons who are arrested and taken into custody and booked are subject to search of their entire person along with any and all clothing and items in their possession at the time of the arrest.
- B. Once the person has been arrested, the person has in effect been seized for 4th Amendment purposes and the items the arrested person has with him or her, including clothing, may be seized and retained by the arresting officer.
 1. As a consequence, all clothing and personal items of the persons arrested for felony offenses where identity or description or the presence of trace evidence may be an issue should be seized by the officer booking the person when clothing is removed and retained in accordance with the Espanola Police Department policies for collection of trace evidence and items which may contain trace evidence.
 2. Each item of clothing should be bagged separately.

55.1.10 ABANDONED PROPERTY

- A. Property, which has been abandoned by its owner, even though the owner may retain legal property interest in the property, may be searched without a warrant.
 1. The Courts have held that the person who abandons property loses any reasonable expectation of privacy in the object.

B. If officers are called to a location in regard to property being found, the officers may inspect the property and even open containers for the purpose of determining the owner and nature of the materials inside, and for the purpose of accounting for the contents and assuring the safety of the officers.

C. In the event that an officer opens a container with items which are obviously criminal in nature such as drugs or evidence of a crime, the better policy is to stop at that point and obtain a search warrant before proceeding to dig through the found container.

1. The reason for getting a search warrant at this point is that the officer's mindset and intent are now different; the officer is now searching for information, which connects a person to criminal activity.
2. Since the history of the container is not known to the officer, the container may in fact not have been abandoned by its owner and while the officer had legal justification to begin inspection of the contents, continuing a search after the criminal nature of the contents is apparent may violate the owner's 4th Amendment rights.

55.1.11 STRIP/BODY CAVITY SEARCH

A. Strip searches shall not be conducted unless the officer has reasonable suspicion to believe that the suspect is concealing a weapon or contraband on their person and then only with the approval of a police lieutenant or higher command staff member. *Strip searches shall be completed in the presence of two (2) employees who are of the same sex as the person who is being searched. The strip search will be conducted in a private and secure area.* If a weapon or contraband is observed, i.e., taped to the body, the employee shall remove the item in a tactful manner maintaining the dignity of the suspect. If a possible weapon or contraband is observed inside a body cavity, the employee shall appropriately restrain the suspect and obtain a body cavity search warrant. Under no circumstances will the employee remove the item. The suspect shall be kept under constant and watchful supervision and shall be taken to a

medical facility where the search warrant shall be executed.

B. Under no circumstances shall any employee conduct a body cavity search on any person. A body cavity search requires a search warrant and must be conducted at a medical facility by a licensed and practicing medical physician.

55.1.12 SEARCHES OF CRIME SCENES

- A. The 4th amendment protects people, not places. It protects the expectation of privacy which people have in locations and in objects. The expectation of privacy must be what the Courts have phrased as "reasonable expectation" of privacy.
- B. Various items or locations have been held to have various levels of 4th Amendment protection depending upon the nature of the item or location and the purpose for which it is used.
 1. The highest level of expectation of privacy has generally been held to be the home or residence of an individual and the person of an individual.
 2. Vehicles and businesses have been held to have a lesser degree of protection because of the reputations to which they are subject and the fact that they are subject to inspection for any number of reasons.
 3. Open fields or vacant land probably have the lowest degree of protection.
- C. The fact that an expectation of privacy is less in a vehicle or business does not mean that it can be searched without a warrant absent one of the above exceptions.
- D. The U.S. Supreme Court in Thompson v. Louisiana, 469 U.S. 17 (1984), made it very clear that there is no exception to the requirement for a search warrant because a place is a crime scene; in that case a residence was the scene of a homicide.
 1. The fact that a crime was committed in a certain location does not take away a person's property rights or lessen the 4th Amendment protection in the location.
- E. This situation arises most often in the context of crimes and crime scenes that are discovered

within a residence. The officer must examine the facts and circumstances carefully.

1. It is always safer to obtain a search warrant than it is to proceed on the assumption that an unknown suspect has no reasonable expectation of privacy in the residence, which contains the crime scene.
2. As mentioned in the beginning of this section, officers may have sufficient grounds to seize evidence at a crime scene but not be legally allowed to search the scene without a warrant.
3. Officers called to a given location who discover a crime, such as a homicide, may do the following:
 - a. Secure and thereby seize the residence and establish a crime scene log.
 - b. Make a protective sweep of the residence as explained above. (Only if the circumstances give the officers a basis for reasonably believing that there are other persons on the premises who may pose a danger to those on the scene.)
 - c. Refuse access to the residence and secure the contents of the residence.
 - d. Note and seize any obvious items of evidence, which are in plain view. Of course most officers understand the importance of documenting a crime scene and will leave items that are in plain view in place until after the scene has been thoroughly processed.
 - e. Conduct a search incident to arrest after an arrest has been made.
 - f. Allow any and all emergency medical treatment to be given to any victim.
 - g. Conduct a pat down of persons at the location if there is a sufficient basis for the officers to do so.
 - h. Interview witnesses or take statements as may be necessary.
- F. Other than these acts which could be done immediately or soon after the entry, the officers may **NOT** search for trace evidence, take blood

samples, or otherwise process the crime scene without a search warrant.

1. Of course this does not apply to crime scenes which are in public places.
 - a. As there is no reasonable expectation of privacy in public places, the scene may be searched and processed as necessary.
- G. If the crime scene is in a vehicle, while ownership from the registration may be easily obtained, that may not show if the vehicle was recently sold to another.
 1. If there is any possible doubt as to the ownership of a vehicle, a search warrant should be obtained before a search of the vehicle, other than an inventory search, is conducted.
 2. The vehicle may of course be seized and secured and held until a search warrant is obtained.

55.1.13 ARRESTS IN THE HOME/THIRD PARTY HOMES

- A. The Courts have held that a warrant for the arrest of a defendant implies that the officers may search the defendant's residence for the defendant.
- B. This search requires, first, a warrant for the arrest of the defendant and two, a search of his/her residence, not some other person's residence where the suspect may be hiding.
 1. As a result, officers who are not in hot pursuit of a suspect may not enter his/her residence without a warrant to search for the suspect.
 2. Even if the officers have a warrant for the arrest of the defendant, the search of the residence is only for the suspect, not for evidence of the crime.
 3. Evidence of the crime, which is found in a location where the defendant could not have been located, will be suppressed.
 4. Once the defendant has been located in the residence and officers wish to search for additional evidence of the crime, a search warrant must be obtained for the residence.

5. Of course evidence which is of an immediately apparent nature to the officer which is discovered in plain view during the course of the search for the suspect may be seized on the basis of the plain view exception.
6. In addition, evidence discovered during a search incident to the suspect's arrest may also be seized.

55.1.14 SEARCH WARRANTS

- A. Officers of the Espanola Police Department shall obtain search warrants for any search to be conducted other than the exceptions listed in this Directive.
- B. The following procedures will apply in obtaining a valid search warrant:
 1. The officer or detective shall prepare a typewritten affidavit for a search warrant, which specifically and clearly describes:
 - a. The officer's name, occupation, and training and experience that leads him/her to believe probable cause exists for the search;
 - b. The items to be searched for/seized;
 - c. The name of the owner/person in legal control of the place to be searched;
 - d. The exact location and detailed description of the place or person to be searched, and if known, the location of the items within the place to be searched.
 - e. All information and facts to support a finding of probable cause to believe that a crime has been committed and that evidence or fruits of the crime are located in the place to be searched.
 - f. A notarized statement that the officer/detective has accurately and truthfully stated known facts in the affidavit.
 2. The officer/detective must have the affidavit approved by a Criminal Investigations commander/supervisor, and the on-duty Assistant District Attorney.

3. Upon obtaining approval, the officer/detective must submit the affidavit to either a Magistrate or District Judge, who must sign the order. Remember Magistrates only have authority in their specific county. District Judges have statewide jurisdiction.
4. If the search is to be conducted between the hours of 10:00 p.m. and 6:00 a.m., additional probable cause must be outlined and specific authorization must be granted in writing by the issuing Judge.

55.1.15 SERVICE OF SEARCH WARRANTS

- A. Search Warrants shall be served only after completing a warrant matrix risk assessment packet.
- B. When an officer or detective obtains a search warrant that is signed by a judge, he/she has ten (10) days in which to serve the warrant. The officer/detective shall notify a supervisor of the warrant and a supervisor shall be present when the search warrant is served.
- C. Upon executing the search warrant, the supervisor will:
 1. Make sure that the return is properly filled out;
 2. Verify that the subject named in the search warrant is served with the appropriate copies;
 3. Verify the list of items seized, if any.
- D. The responsible detective/officer will:
 1. Fill out the return and inventory pages.
 2. Have the subject sign and date the inventory to acknowledge seizure of any items taken.
 3. Provide the subject with a copy of the affidavit for search, a copy of the inventory, and a copy of the search warrant.
 4. The original search warrant must be returned to the court within three (3) days. This may be done in person or by routing the return through the District Attorney Liaison.
 5. Complete a supplemental report that includes the following information:
 - a. Original case number;

- b. Date of receipt of the search warrant;
- c. Date of service;
- d. Location of service;
- e. Name of person on whom the warrant was served;
- f. Name of the Judge and court who issued the warrant;
- g. Name of those persons present when the warrant was served;
- h. Items seized in the search; and
- i. Any arrests and/or pending charges.

55.1.16 HIGH RISK WARRANTS

- A. When there are facts to suggest that a place to be searched, or persons at the location present a special danger to the officers/detectives, the following steps shall be taken:
 - 1. A Case Plan shall be prepared by the Incident Commander.
 - 2. Plainclothes commanders/supervisors shall request assistance from uniformed officers, with approval from the on-duty commander/supervisor.
 - 3. If it is determined that uniformed assistance is not sufficient to lessen the risk, the commander/supervisor should request assistance from a S.W.A.T. Team Commander with NMSP.
 - 4. All persons who respond to the scene shall wear Department issued ballistic resistant body armor.
 - 5. The Lieutenant will be notified, and shall advise the Office of the Chief of Police, prior to the search taking place.
- B. All search warrants that are served with the assistance of a S.W.A.T. Team will be in accordance with their standard operating procedures.
- C. Magistrates and Judges may NOT pre-approve a no-knock entry. Such entry is the decision of officers executing the search warrant. The decision must be based on facts known to the officers relating to the danger posed by knocking and announcing their presence and intent. The

fact that narcotics are involved and/or that the person(s) owns firearms is not sufficient. There must be a reasonable likelihood, based on articulable facts, that the weapons will be used against the officers.

55.1.17 CONCLUSION

- A. The expectations listed above are those most often encountered by officers in this jurisdiction. These are by no means exclusive and there have been omitted situations such as customs searches, border searches, searches in regard to business licenses, OSHA searches and drug testing of employees. As stated above, if a search or situation does not fall clearly into one of these exceptions to the search warrant requirement, then a search warrant must be obtained before the search is begun.
- B. While affidavits for search warrants are generally not difficult to write nor are search warrants difficult to serve, they do however require knowledge of the forms on which they are written as well as a familiarity with the Espanola Police Departments procedures for serving search warrants.
 - 1. If an officer encounters a situation where the officer feels a search warrant is needed or is not certain if a search warrant is needed, the officer should contact his supervisor for advise.
 - 2. If the supervisor determines that a search warrant is needed, the supervisor shall direct the manner in which the search warrant and supporting affidavit are applied.
- C. An Assistant District Attorney must approve all affidavits for search warrants before they are presented to the judge or magistrate to be issued.
 - 1. If the District Attorney's Office is closed, the on-duty Assistant District Attorney should be contacted by telephone for approval of the affidavit and search warrant.
- D. If an officer conducts a search without a search warrant, the officer shall state in his/her report the exception(s) to the search warrant requirement that the officer relied upon in searching the person or place and seizing the item or items of evidence or contraband.

GLOSSARY

Refer to the definitions included in each section.

Drafted (rgb) 08/09

**TITLE: ADMINISTRATION OF MIRANDA
WARNINGS**

CODIFIED: 56.1

EFFECTIVE: 09/01/09

PAGES: 5

PURPOSE

The purpose of this directive is to establish guidelines regarding the responsibilities of members of the Espanola Police Department as they apply to Miranda warning.

DISCUSSION

Suspect interviews and interrogations shall be conducted in accordance with established state and federal laws to ensure the suspect's civil rights are not violated. No attempt will be made to obtain confessions or statements by force, coercion, threat or promise.

POLICY

Miranda warnings must be given when an individual is in custody and being interrogated. The purpose of Miranda warnings is to advise a person who is in custody or who is detained under circumstances in which a reasonable person would believe he or she is not free to leave, of the rights they have under the Fifth and Sixth Amendments of the United States Constitution and corresponding sections of the New Mexico Constitution. Such warnings must be given before any statements are taken from these individuals.

Miranda warnings are not required for minimal custodial stops for traffic violations. Non-custodial interviews do not require Miranda warnings. Custody is the critical factor which triggers the requirement to give Miranda warnings before an interview or questioning. Custody includes an arrest, detention, or any other situation where the person would not feel free to leave.

PROCEDURE

INTERVIEWING WITNESSES

56.1.01 NON-CUSTODIAL INTERVIEWS

- A. Non-custodial interviews do not require Miranda warnings.
 - 1. No Miranda warning is required to be given to persons being interviewed UNLESS the person is placed in a situation where he/she would feel that he/she is not free to leave.
 - 2. Interviews conducted in the home of the person do not require Miranda warnings unless the person is arrested in the home or the interview would be viewed as taking place in a coercive atmosphere.
 - 3. Persons who come to the police department to discuss matters with investigating officers, even at the officer's request, need not be given the Miranda warnings so long as they are advised that they are free to leave at any time.
 - 4. Persons who are under "investigative detention" should be advised of their Miranda rights as they are detained in custody and are not free to leave.
 - 5. Persons who are mere witnesses or from whom factual information is gathered during the course of an investigation need not be advised of their Miranda rights, unless they are in custody.

INTERVIEWING SUSPECTS BEFORE ARRESTS

56.1.02 It is no longer required that persons be advised of their Miranda rights simply because they have become the focus of an investigation or are considered to be a suspect in a criminal matter. Custody, not focus, determines whether Miranda warnings are required.

- A. Persons who have become the suspect of an investigation may be interviewed in non-custodial settings without giving Miranda warnings, just like other witnesses.

- B. Suspects who voluntarily come to the police department at the request of the investigating officer should be advised that they can leave at any time. This should either be documented in writing or on tape in every instance.
- C. In cases where an officer/detective intends to arrest the person on an outstanding warrant or if certain information is gained during the course of the interview, no Miranda warnings are required as long as the person remains free to leave at any time.
 - 1. Officers **MUST** remember that once the warrant for a person's arrest is mentioned, much less served, the person will be in a custody situation where he or she will feel they are not free to leave, and Miranda warnings are required before the interview of the person continues.
- D. Once the person is placed in custody and is no longer free to leave, warnings must be given before any further questioning takes place.
- E. It should also be noted the circumstances under which the interview was conducted, (how many persons present and who they are as well as where the interview was conducted).
- F. If an officer is unsure of the status of the person to be interviewed or is not familiar with the facts and circumstances of how this person came to be interviewed, the officer **MUST** get answers to these questions before the interview or give the person the Miranda warnings and secure waivers of the Miranda rights before proceeding with the interview.

**INTERVIEWING SUSPECTS AT THE TIME
OF ARREST**

56.1.03 Persons who have been arrested, whether on the charge which they are to be interviewed about or on an unrelated charge, **MUST** be advised of their Miranda rights because an arrest means that they are in custody. An intelligent and voluntary waiver of those rights must be obtained from the person to be interviewed **BEFORE** any interview is conducted.

- A. Miranda warnings need not be given before obtaining personal identification such as name, address, date of birth and/or social security number. A person is not required to provide their SSN or Green Card for identification purposes alone. If a person volunteers this data however, it is acceptable.
 - 1. The arresting officer is **NOT** required to advise a person of the Miranda rights unless the officer is planning to interview the arrested person beyond the scope of those items noted in paragraph, A, above.
- B. If the arrest is on an outstanding felony warrant from this Department, the arresting officer should contact the officer or detective in charge of the case before advising the arrested person of their Miranda rights or conducting any interview.
 - 1. In the event the officer or detective in charge of the case is not available or cannot be contacted, the officer's supervisor should be contacted before proceeding with any interview.
- C. Once an interview is being conducted, any statement by the arrested person, whether in response to questioning by an officer or otherwise given, should be recorded or noted in the officer's report along with the notice of Miranda Warnings.
- D. Officers/detectives should also note all answers given by persons who were not properly notified of their rights as per Miranda as this information might prove to be valuable later on.
- E. If it is determined that an officer/detective forgot to notify an arrested person of their rights as per Miranda, stop the interview, provide the Miranda warnings, then continue with the interview.
- F. If, after notice of Miranda the person now decides to invoke their rights, this does not relieve the officer/detective from documenting each statement made by the person even though proper warnings were not given.
- G. The officer advising a person of his or her Miranda rights should note the date, time, and location where the rights were read to the arrested person. In addition, the following items

should be documented in the officer's official report:

1. The officer should note if the Miranda warnings were read from a Miranda Card;
2. The officer should note in the report whether the Miranda warning was read in Spanish or in English; and
3. The officer should note the date time and location of the waiver of the Miranda Rights and the name of any officers who were witnesses to the advisement of the rights and the waiver of the rights.

ADVISEMENT OF MIRANDA RIGHTS

56.1.04 All persons meeting the criteria of being in custody, under arrest, or held under circumstances under which a reasonable person would believe they are not free to leave, and who are to be interviewed or questioned shall be advised of their Miranda rights.

- A. The rights shall be administered in the language, which the arrested person understands, either English or Spanish. In the event the arrested person understands neither English nor Spanish, the shift commander shall be notified.
- B. Waivers to **BOTH** the Fifth Amendment and Sixth Amendment portions of the Miranda warning shall be obtained before interviewing or questioning of the person. The arrested person should not be asked, "Do you wish to waive your rights."
 1. The officer advising the person or his/her Miranda rights should determine first if the person wishes to waive the right to remain silent.
 2. If the person says "yes" then officer should proceed to determine whether he/she wishes to waive the right to have an attorney present.
 3. If the person says "yes" to both, then the interview may proceed.
 4. If a person gives an ambiguous answer to either, the officer conducting the interview

may continue questioning only to determine if the person wishes to waive the specific rights to which the ambiguous answer was given.

5. If it is determined that the person wishes to waive the rights, then the interview may proceed.
- C. If a person indicates that he/she does not wish to waive the rights to remain silent, any and all questioning must stop at that time. The officer will not ask if he/she wishes to waive the right to counsel.
- D. If, after having invoked his/her right to silence, a person later wishes to make a statement to the officer, the officer may conduct an interview only if the following are done:
 1. The arrested person initiated the post invocation of rights contact.
 2. The officer again advises the arrested person of all of the Miranda rights.
 3. The arrested person knowingly, intentionally and voluntarily waives **BOTH** his/her right to remain silent and the right to counsel.
 4. A proper written waiver is executed.
- E. If a person indicates that he/she is willing to waive his/her right to remain silent **BUT NOT** the right to counsel, otherwise makes it known that he/she wishes to have an attorney present, any and all questioning must stop at that point and may not be started again until after the arrested person has his/her attorney present.
 1. Even if the arrested person wishes to talk before the attorney arrives or advises the officer of a change of mind, there can be no further interview or statement until after the person has been allowed to contact an attorney.
 2. In this case the officer should contact a supervisor who will contact the District Attorney's office for further guidance.
 3. This difference between the effect that the invocation of rights has on the resuming of the interview process is the reason for the

separate waiver of the rights to remain silent and to counsel.

- F. The Miranda rights are deemed to be invoked any time a person asserts that he/she does not want to answer any additional questions or that he/she wants to talk to an attorney.
- G. If the arrested person or other person being interviewed requests a break in the questioning, the date and time of the request should be noted and recorded. If questioning is resumed with the same person, the date and time the questioning is resumed should be noted and recorded.
 - 1. In the event there is a long break between termination and resumption of the questioning, the person being interviewed should again be advised of his or her Miranda rights and proper waivers obtained before the questioning or interviewing is resumed.

QUESTIONING PERSONS ARRESTED FOR DRIVING WHILE INTOXICATED

56.1.05 When a person is arrested for Driving Under the Influence of alcohol/drugs, the officer should, after arrest and before any other questioning, advise the person of the Implied Consent Law. Once the person has either given consent to take the blood alcohol test or refused to take the blood alcohol test, **ONLY** then, should the Miranda rights be administered.

- A. With D.W.I. suspects, the Miranda warnings apply to "in custody" situations.
- B. There is no need to give a D.W.I. suspect Miranda warnings prior to arrest. The officer, of course, cannot delay the actual arrest an unreasonable amount of time so as to avoid the Miranda warnings.
- C. During the initial contact with the driver, the pre-field test interview, and the administration of the field sobriety tests, there is no need to give the Miranda warnings to the defendant.
- D. If the officer is not going to question the arrested person about the facts and circumstances surrounding the charges for which the person is

under arrest, there is no need to advise the person of his/her Miranda rights and no need to obtain any waiver.

QUESTIONING PERSONS ARRESTED FOR VEHICULAR HOMICIDE, OR GREAT BODILY HARM BY VEHICLE INVOLVING DWI

56.1.06 In cases of vehicular homicide or great bodily harm, where it is not determined initially or readily apparent who the driver of the vehicle was, Miranda warnings should be given to any and all persons who are custodially detained and are going to be interviewed or questioned about the accident. The key is the detention of the persons. For purposes of investigation and information gathering, questioning of persons at the scene, who are not detained does not require the Miranda warnings.

- A. For custodial questioning of individuals in connection with accidents, the Miranda warnings should be given and a waiver obtained as described above.

RECORDING TELEPHONE CONVERSATIONS

56.1.07 During the course of an investigation, persons may be interviewed over the telephone.

- A. Under such circumstances, it may be desirable to tape record this information for:
 - 1. Use as evidence in the case; or
 - 2. Future reference in the continuing investigation; or
 - 3. For use during preparation of the written report.
- B. The recording of telephone conversations may be used towards this end pursuant to 30-12-1 (NMSA) without the officer or detective being required to provide Miranda Warnings.
- C. This section does not apply to wire-taps which have special requirements.

NOTE: In the event a question concerning Miranda warnings or any related legal matter arises, the officer should contact his or her supervisor. In

the event the supervisor has a question about how to proceed under the circumstances of a given case, the supervisor may contact the on-call Assistant District Attorney.

MIRANDA RIGHTS

56.1.08 The rights afforded to all persons under the Constitution of the United States as interpreted in **MIRANDA V. ARIZONA**. The rights are listed as follows:

ENGLISH:

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk to a lawyer for advice before we ask you any questions, if you wish.
4. If you cannot afford a lawyer, one will be appointed for you, before any questioning, if you wish.
5. If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

SPANISH:

1. Usted tiene el derecho de quedarse callado.
2. Cualquier cosa que diga puede emplearse y se empleara en contra de usted en el juzgado.
3. Usted tiene el derecho de hablar con un abogado y de pedirle que este presente mientras los interrogan a usted.
4. Si usted no puede pagar a un abogado, se nombrara uno para representarlo antes de que lo interroguen, si lo desea usted.
5. Usted puede decidir cuando quiera ejercer estos derechos y no contestar ninguna pregunta ni hacer ninguna declaraciones.

TITLE: ARREST PROCEDURES

CODIFIED: 57.1

EFFECTIVE: 09/01/09

PAGES: 2

PURPOSE

The purpose of this directive is to provide guidelines for sworn members to follow when taking subjects into custody.

DISCUSSION

Officers of the Espanola Police Department are entrusted by the communities they serve to fairly and impartially enforce the laws of the State of New Mexico and the ordinances of the City of Espanola.

These guidelines are intended to provide officers with the information needed to make an informed decision regarding the arrest of a subject and are not designed to override officer discretion.

POLICY

It is the policy of the Espanola Police Department to take criminal offenders into custody and to follow correct legal procedures so that the rights of the criminal offender are not diminished.

DEFINITIONS

Arrest: A subject is considered to be under arrest as soon as an officer indicates by word or action his intention to take the subject to the police station or before a judicial officer, or otherwise to take him into custody.

Probable Cause: An officer must have sufficient knowledge of facts and circumstances that would lead a reasonable police officer to conclude that the suspect committed the crime.

PROCEDURE

ARREST WITHOUT A WARRANT

57.1.01 Officers may arrest a person for a felony offense in a public or private place when the officer has probable cause to believe a felony has been committed and that the person being arrested committed the offense. Additionally, officers may only arrest a person in a public or private place for a felony offense when at least one of the following exigent circumstances also exists:

- Swift action is required to prevent the imminent destruction of property;
- Swift action is required to prevent imminent destruction of evidence;
- Swift action is required to prevent imminent risk of flight;
- Swift action is required to prevent imminent danger to the community.

57.1.02 Officers may arrest a person for a misdemeanor offense committed in the presence of the officer, unless there is a statutory exception to the requirement that the crime be committed in the presence of the officer.

57.1.03 “In the presence of the officer” is generally held to mean that the officer either through the team concept or his sight or hearing observed the crime.

STATUTORY EXCEPTIONS

57.1.04 The following are statutory exceptions to the requirement that a misdemeanor offense be committed in the presence of an officer:

- Section 30-3-6(B) NMSA; allows warrantless arrest of a person an officer has probable a use to believe committed the offense of assault or battery, public affray or criminal damage to

property occurring at establishments licensed to sell alcoholic beverages.

- **Section 31-1-7 NMSA;** allows warrantless arrest of a person an officer has probable cause to believe committed the offense of assault or battery upon a household member at the scene of a domestic disturbance.
- **Section 30-16-23 NMSA;** allows warrantless arrest of a person an officer has probable cause to believe committed the crime of shoplifting.
- **Section 30-16-14 NMSA;** allows warrantless arrest of a person an officer has probable cause to believe has committed the crime of falsely obtaining services or accommodations.
- **Section 66-8-125 NMSA;** allows warrantless arrest of a person present at the scene of a motor vehicle accident, on a highway when charged with theft of a motor vehicle and charged with a crime in another jurisdiction upon receipt of a message giving the name or a reasonably accurate description of the person wanted, the crime alleged and a statement that the person is likely to flee the jurisdiction of this state.
- Police Team Concept.

57.1.05 Officers who make an arrest for any misdemeanor traffic violations must be in uniform or, readily identified as a Law Enforcement Officer.

A. All violations, to include 1st, 2nd and 3rd DWI's, covered by City Ordinance shall be cited into Municipal Court. The only exception is when the violations are secondary to a primary charge that is a high-court misdemeanor or felony.

57.1.06 Officers should remember that there is no prohibition against an officer investigating a misdemeanor offense which the officer does not witness and then, based on his investigation, obtaining a warrant for the arrest of the suspect.

57.1.07 When an officer makes an arrest under authority of a State statute, the officer shall book the arrested person into the Adult Detention center under the proper State statutes. Likewise, an officer shall use the correct municipal ordinance when arresting a person under authority of municipal ordinance.

57.1.08 Ensuring child safety upon arrest; procedures to ensure officers inquire about minor or dependent children, procedures for the proper arrangement of temporary care of children to ensure their safety and well-being. Officers shall inquire at the time of arrest whether the person is a parent or guardian of minor or dependent children who may be at risk as a result of arrest. Officers shall make reasonable efforts to ensure safety in accordance with guidelines established by DPS.

57.1.09 In cases where a suspect is not arrested at the scene or shortly after the commission of a crime, the investigating officer should prepare an affidavit for and obtain an Arrest Warrant.

FELONY AND HIGH COURT MISDEMEANOR ARREST

57.1.10 Criminal complaints and statement of probable cause will be prepared by the arresting officer and will be reviewed by the on-duty commander.

57.1.11 The arrested person will be served with a copy of the criminal complaint prior to booking at the Adult Detention Center.

57.1.12 The criminal complaint and probable cause statement shall be filed by the records supervisor.

MIRANDA WARNING

REFER TO DIRECTIVE 56.1

DRAFTED(rgb) 07/09

MISCELLANEOUS

**TITLE: RESTRAINT AND
TRANSPORTATION OF PRISONERS**

CODIFIED: 58.1

EFFECTIVE: 09/01/09

PAGES: 6

PURPOSE

The purpose of this directive is to establish guidelines for the safe and expedient transport of persons in custody.

DISCUSSION

Any person in custody can become a danger to a Police Officer and the public by the mere fact that being in custody has taken his/her freedom away.

The chances of an escape or compromise can be greatly reduced, if not totally removed, when proper security measures are adhered to.

POLICY

It is the policy of the Espanola Police Department to ensure safety and security for prisoners, transporting officers, and the general public when restraining prisoners and transporting them in police vehicles.

PROCEDURE

VEHICLES USED FOR TRANSPORT

58.1.01 The Espanola Police Department shall issue and install safety barriers between the driver's compartment and back seat compartment of vehicles that routinely transport prisoners.

A. The barrier may be of wire mesh, heavy gauge plastic or similar material that shall not impair the ability of the officer and prisoner from communication, nor shall it impair the ability of the officer's visibility of the prisoner.

B. Under no circumstance shall a violent prisoner be transported in a vehicle that is not equipped with a safety barrier.

58.1.02 Use of restraints to secure prisoners is limited to one or a combination of the following department approved restraining devices:

- A.** Handcuffs (double locking)
- B.** Leg Shackles (double locking)
- C.** Flexcuffs (department issued)
- D.** Waist chain or similar device

58.1.03 All vehicles normally used for transporting prisoners have been modified to prevent escape, as follows:

- A.** Doors where prisoners are seated cannot be opened from the inside of the vehicle.
- B.** Windows in these areas have been modified to open a limited distance or not at all.
- C.** All unmarked vehicles are equipped with lockout capabilities to preclude rear doors and windows from being opened from the inside.
- D.** A prisoner transport van is available for transport of violent, handicapped, multiple prisoners, or prisoners that present a security risk.

**IDENTIFICATION OF PRISONERS PRIOR TO
TRANSPORT**

58.1.04 Espanola Police officers are responsible for verification that any person transported from a detention facility is positively identified prior to transport. Positive identification may be accomplished by:

- A.** Personal knowledge of the prisoner's true identity,
- B.** Picture I.D. (i.e. driver's license, etc.), or jail records photograph.
- C.** Matching biographical information (i.e. name, social security number, etc.), or
- D.** Identification by other members of law enforcement who has personal knowledge of the prisoner's identity.

TRANSPORTATION OF PRISONERS

58.1.05 The primary duty of an officer while transporting a prisoner, is the safe delivery of the prisoner in his/her care.

58.1.06 Any officer who transports a prisoner shall personally search that prisoner for contraband or weapons prior to transport, while heeding the stipulations in directive 58.1.29.

58.1.07 Whenever a person is taken into custody, they will be handcuffed with their hands behind their back and the handcuffs shall be double locked.

A. The only exception to this regulation is when the application of handcuffs is a risk to the prisoner's health, or if the application is physically impossible.

1. Very careful evaluation and discretion must be utilized by the officer in determining when exceptions apply, due to elderly, invalids, ill or injured individuals, or other persons with physical disability, which preclude the use of handcuffs.
2. The nature of an individual's disability must be weighed against the threat the individual poses to the officer and/or himself. Partial restraint is preferable to no restraint at all.

B. Alternatives include waist chains, leg chains and/or similar devices that are approved by the department. When this type of restraint is used, it too, will be double locked.

C. Under no circumstance will any prisoner be hog tied, have items placed over their nose and/or mouth that would restrict breathing, or be allowed to lie in a position that could restrict the airway.

D. Under no circumstance will prisoners be handcuffed to the vehicle, or to each other. Prisoners must be individually restrained for their safety.

58.1.08 Prior to transporting a prisoner in a police vehicle, the transporting officer will ensure that no contraband or weapons are present in the area that the prisoner is to occupy.

58.1.09 After the transport is completed, the transporting officer will search the area in the

transport vehicle that was occupied by the prisoner for contraband or weapons.

58.1.10 Prisoners being transported in a vehicle equipped with a barrier (screen) shall be seat-belted in the back seat, on the right side.

58.1.11 At no time will a Police Officer ride with or otherwise be seated with a prisoner in custody within the secured area of the vehicle.

58.1.12 No more than three prisoners will be transported in the back seat.

58.1.13 During all prisoner transports, seat belts will be utilized by each prisoner and the driver. Vehicles without seat belts will not be used to transport prisoners.

58.1.14 Violent or high-risk prisoners will not be transported in a vehicle without a cage.

58.1.15 A prisoner being transported by one officer will be seat belted on the right rear seat.

58.1.16 The prisoner to officer ratio will never exceed one to one in an uncaged vehicle.

58.1.17 The transporting officer will always be aware of the prisoner's location and actions.

58.1.18 The prisoner will not be left unattended in the transport vehicle.

58.1.19 During the transport, the officer will maintain as much visual contact with the prisoner as safety allows.

58.1.20 During the transport, a prisoner should not be allowed to communicate with other persons.

58.1.21 Officers of the Espanola Police Department shall schedule transports that do not conflict with meal schedules at the holding facility. Since most transports are less than twenty miles, this Department will not normally provide meals during transport.

58.1.22 In the event that a long distance transport requires a meal be provided, the transporting officer shall take care to make random selections of locations, for security purposes.

58.1.23 When a member is transporting a prisoner officer shall advise the dispatcher of the current location, destination, and the vehicle mileage (to the tenth).

58.1.24 Upon arriving at his destination, the officer will give the vehicle mileage again (to the tenth).

58.1.25 Any unusual circumstances encountered during transport will be immediately relayed to Dispatch and the on-duty Commander via police radio.

TRANSPORTATION ROUTE

58.1.26 The transporting officer will use the most expedient route to the appropriate facility or detention center in light of extenuating circumstance, e.g. traffic, weather, etc. conditions.

58.1.27 The officer will not perform other police duties when transporting prisoners, unless so ordered under extenuating circumstances in an emergency by a supervisor.

58.1.28 Prisoner transportation will be prompt and without delay in all situations and the transporting officer/detective shall immediately return to performance or regular duties upon completion of any transport.

SPECIAL TRANSPORTATION SITUATIONS

Transporting Prisoners

58.1.29 Under extenuating circumstances, a male officer may pat down a female prisoner (or female officer a male prisoner) only with the back of his/her hands, and in the presence of another officer, to ascertain the presence of weapons.

58.1.30 Physically and/or Mentally Handicapped Prisoners may require some considerations not normally associated with prisoner transportation. When dealing with a prisoner in this category, the following will be done, at a minimum:

- A. Remove personal property and conduct a thorough search for weapons at the scene;
- B. Physical condition permitting, handcuff behind the back and double lock the cuffs;
- C. Seat belt the subject in the right, rear seat;
- D. Transport in a vehicle equipped with a barrier/cage;
- E. Casts, braces, or artificial limbs must be searched for contraband or weapons; and

F. If the prisoner is being transported to Las Vegas, New Mexico State hospital, an evaluation will be made whether an ambulance or Department vehicle is better suited, dependent on the stability and medication of the prisoner. In this case, no less than two officers will be used to transport.

58.1.31 The Holding Facility will refuse to accept those prisoners who have visible injury, complaint of injury if involved in a vehicle accident in the past 24 hours, extremely intoxicated persons, those persons may be depressed or may have elevated vital signs, and those persons who have medical problems/illnesses. In these cases, the transporting officer(s) will:

- A. Summon medical aid to the scene prior to any transport.
- B. If a problem is noted during transport, the Espanola Fire Department ambulance and/or rescue units will be called to render immediate medical attention; or
- C. If the prisoner's condition requires that he/she be transported to a medical facility, the officer will either ride in the ambulance with the medical personnel, or follow the ambulance in his/her patrol vehicle; or
- D. The officer may choose to transport the prisoner directly to a medical facility or fire station to obtain medical aid.
- E. In making this determination, the officer will consider the requests of the ambulance personnel, the violent nature of the prisoner, and any evidence to be preserved.
- F. The officer's decision should be based upon the severity of the illness or injury, location and the length of time to complete the transportation.
- G. Handcuffing procedures will be the same with sick and injured prisoners as with other prisoners.

Medical Transports

58.1.32 When a prisoner has been transported to a medical facility and is subsequently admitted by the attending physician, the officer will immediately notify the Shift Supervisor. The shift Supervisor will immediately determine whether issuing a citation is an option when the prisoner is being held on misdemeanor charges.

58.1.33 Hospitalized prisoners being held on felony charges are the responsibility of the Department until first appearance.

58.1.34 If the injury can quickly be treated, the Officer will remain with the prisoner.

58.1.35 If the injury requires a prolonged stay at the hospital, the Shift Supervisor shall attempt to make arrangements with a Magistrate Judge to conduct a first appearance hearing at the hospital.

58.1.36 After first appearance, responsibility for the prisoner rests with the Santa Fe County Sheriffs Department or Rio Arriba County Sheriffs Department.

58.1.37 The Shift Supervisor shall contact the Santa Fe County/Rio Arriba County Sheriffs Department Shift Supervisor immediately after the first appearance hearing has been conducted and request that they send a Deputy to relieve the Officer guarding the prisoner.

58.1.38 The Officer will maintain control over the prisoner's actions at all times. The prisoner shall be kept in restraints unless the attending physician requests they be removed for medical purposes, but only if the Officer determines it is safe to do so.

58.1.39 Officers will stay with the prisoner unless the treating physician requests the Officer to remain clear. Officers will maintain a post immediately outside the restricted area.

58.1.40 The Officers in charge of the prisoner shall maintain security of the prisoner until officially relieved.

58.1.41 Shift Supervisors of the officers shall ensure that the Officer(s) guarding prisoner(s) are checked periodically and relieved as necessary.

58.1.42 The officer must provide a copy of a release from a medical facility or a copy of the prisoner's refusal to accept treatment by ambulance personnel to Holding Facility personnel when booking the prisoner.

58.1.43 Any problems with Detention personnel refusing to accept a prisoner shall be reported to the on-duty commander, who will be responsible for

making contact with Detention personnel to solve the problem.

PRISONERS THAT PRESENT A HEALTH HAZARD

58.1.44 All sick persons except those with a contagious or highly communicable disease will be transported in normal fashion as per policy guidelines.

58.1.45 If the malady is contagious or becomes serious, other means of transportation will be sought. All sick prisoners with control of their facilities will be restrained.

PRISONER ESCAPE/SUICIDE POTENTIAL

58.1.46 Officers assigned to transport prisoner(s) shall attempt to acquire as much insight into his/her potential for escape, suicide, or unusual illness, prior to any such transport. Information may be obtained in any one of the following manners:

- A.** Personal knowledge of the prisoner's history.
- B.** Initiating a computer check on the prisoner.
- C.** Information from Detention Center Records.

58.1.47 Should a transporting officer/detective learn of a prisoner having the potential for escape, the officer shall notify his/her supervisor to request a chase unit or back-up officer to accompany the transport.

58.1.48 In the event of a prisoner being identified as a suicide risk, the officer shall take precautions to prevent any such incidents during transport. One of many police responsibilities is to prevent suicides. Special procedures are needed for prisoners who threaten suicide or who are known to be suicidal. Physical warning signs of serious depression:

- A.** Depressed physical appearance;
- B.** Walks slowly for no apparent reason; and
- C.** Slumps when walking or sitting; sits in the corner in a fetal position.

58.1.49 Behavioral warning signs of serious depression:

- A.** Cries frequently for no apparent reason;
- B.** Retarded thinking; speaks slowly;

- C. Apathy and despondency;
- D. Sudden social withdrawal; little communication with officers or other persons;
- E. Feelings of helplessness and hopelessness;
- F. Perhaps general anxiety, with physical and mental symptoms;
- G. A lot of talk of self-pity, of life not being worth it; of people being happier if the prisoner killed himself;
- H. Talks of suicide, composes suicide notes;
- I. Talks of getting out of jail unrealistically;
- J. Gives away personal possessions;
- K. Has previously attempted suicide and talks about it; and
- L. Exhibits sudden changes in behavior, such as making an unprovoked attack upon an officer or another person.

58.1.50 Officers should consider all suicide threats by prisoners to be serious and take appropriate steps to insure that the prisoner does not have the opportunity to carry out his threat. This includes constant observation of the prisoner or seeking professional mental health assistance for him. Arresting officer should recognize the symptoms of potential suicide, such as depression or a sudden change in the prisoner's behavior.

58.1.51 Unusual illnesses will be handled on a case-by-case basis and aid from the Fire Department Paramedic Team may be requested when necessary.

ESCAPE OF PRISONERS

58.1.52 In the event of an escape of a prisoner prior to or during transportation, the transporting officer will refer to the Department Directive 59.1 entitled, "Escape from Custody".

PRISONERS THAT PRESENT A SECURITY HAZARD

58.1.53 A Commander will be notified in order to make an assessment of additional security required during transport.

58.1.54 On those occasions when an officer/detective becomes aware of security hazards involving the prisoner being transported, he or she shall take steps to notify the court of the possible risk.

58.1.55 Further action shall be determined by the presiding judge, to include the possible use of restraining devices or additional security being assigned during the court appearance.

58.1.56 Situations presenting possible security hazards include, but are not limited to the following:

- A. Prior escapes from court
- B. Threats against the prisoner's life.
- C. Information involving possible plans for escape.

OTHER PRISONER TRANSPORTS

58.1.57 The Espanola Police Department Detention Facility is responsible for additional transports, as listed below. All transports shall be in accordance with the policies set forth in this Directive.

- A. Arraignment on felony/misdemeanor charges.
- B. Preliminary hearings.
- C. Transports to psychiatric facilities.
- D. Transports for the purpose of funerals, visiting ill patients, when ordered by a judge, if the prisoner is incarcerated on City charges.
- E. Transport for subsequent hearing, if the person is incarcerated on City charges.

DOCUMENTATION OF PRISONER TRANSPORT

58.1.58 The Espanola Police Department Detention Facility shall maintain records of all prisoner transports, to court or other facilities.

58.1.59 Entries will be made into the log whenever a prisoner is transported to District or Magistrate Court.

58.1.60 When a prisoner is transported to Municipal Court, the transport will be documented on Communications call cards or by entry into the CAD System.

58.1.61 During transport to District, Magistrate, or Municipal Court, a copy of the prisoner's booking sheet shall accompany the prisoner. This sheet reflects the prisoner's biographical and charge information, should it be required.

58.1.62 During transport of a prisoner to a mental facility, the applicable Court Commitment papers, available medical records, and physician's evaluation shall accompany the prisoner, along with any personal property that is to be left at the receiving facility.

DRAFTED(rgb) 07/09

TITLE: LINEUPS/PHOTOGRAPHIC ARRAYS/ONE-ON-ONE LINEUPS

CODIFIED: 60.1

EFFECTIVE: 09/01/09

PAGES: 3

PURPOSE:

The purpose of this directive is to establish guidelines regarding the duties and responsibilities of members of the Espanola Police department as they apply to lineups, photographic arrays and one-on-one line ups.

DISCUSSION

It is beneficial to all concerned that procedures exist which provide for the proper identification of suspect(s). This ensures that all suspect identifications are conducted in a professional and consistent manner.

POLICY

It is the policy of the Espanola Police Department to treat all suspects in a manner that assures their rights in accordance with Constitutional requirements and applicable Supreme Court Decisions. During the course of any investigation, the uniformed officer or detective may find the need for the victim(s) and/or witness(s) to make an identification of a suspect using a lineup, photographic array or one-on-one line-up. When this becomes necessary the following procedures will be used to conduct this identification.

PROCEDURE

LINE UPS

Lineups are conducted to obtain positive identification of a suspect in a criminal investigation. The victim(s) and/or witness(s) will be allowed to view persons (including the suspect) in order to make an identification of the suspect.

60.1.01 CONDUCTING THE LINEUP

- A. Suspects in custody may not refuse to participate in a lineup. However, certain constitutional safeguards must be followed:
 - 1. Suspects have a right to have an attorney present.
 - 2. At least five (5) persons will participate with the suspect in the lineup.
 - 3. All participants should be of the same sex, similar physical description and attire.
 - 4. Each participant will be instructed in the lineup procedure.
 - 5. Each participant will be assigned a numbered position, which may be changed between lineups to assure a positive identification.
 - 6. Participants will be asked to step forward by using their numbered position. They will each be asked to turn to offer profile and back views for the victim and/or witness.
 - 7. If verbal identification is necessary, each participant will be asked to say the same phrase.
 - 8. If necessary, all participants may be requested to repeat certain steps above.
 - 9. In conducting a lineup the Detective/Officer should avoid making any suggestive statements to the witness, and avoid suggestive circumstances.
 - 10. In addition, the lineup should be documented photographically as part of the investigation.

60.1.02 CONDUCTING A LINEUP WHEN SUSPECT IS NOT IN CUSTODY

- A. If a suspect is not in custody, the suspect may participate voluntarily, or by court order.
- B. In each case the Detective/Officer should consider whether this person is to be interviewed.
- C. If an interview is anticipated, it may be necessary to advise suspect of their Miranda Rights.

60.1.04 NOTIFICATION OF SUSPECTS ATTORNEY

- A. The suspect's attorney will be given at least a half day notice before conducting the lineup. If the suspect's attorney cannot attend and the lineup must be held because of hardship to victims and/or witnesses, efforts must be made to have an attorney present to protect the suspect's constitutional rights.
- B. Police personnel are authorized to request that the Public Defender attend the lineup if necessary.

60.1.05 ATTORNEY'S ROLE DURING THE LINEUP

- A. Attorneys viewing lineups may make comments or suggestions; however, the investigating officer shall remain in charge. The attorney shall not interview victims or witnesses.

60.1.06 SELECTION OF LINEUP PARTICIPANTS

- A. Volunteers may be asked to participate in a lineup or inmates from the jail may be used to obtain the required number of participants. Under no circumstances will federal prisoners be used and the use of inmates charged with felonies will be avoided.

60.1.07 EXCEPTIONS

- A. Lineups will not be held under the following circumstances:
 - 1. A suspect is personally known to the victim or witness.
 - 2. A suspect has been arrested at the scene of a crime and in the presence of the victim or witness.
 - 3. The victim or witness apprehended the suspect.

60.1.08 PHOTOGRAPHIC ARRAYS

- A. Any photographic array shown by an officer will require a complete report containing the following information.
 - 1. Name of person(s) to whom the array was shown.

- 2. Name of suspect.
- 3. Type of identification made (positive, negative or tentative).
- 4. Name of other persons photographs shown in the photographic array.
- 5. Use of at least five (5) photos along with suspects.
- 6. All photographs used in the photographic array will be of persons similar in appearance to the suspect.
- 7. The Detective/Officer should avoid making any suggestive statements and avoid suggestive circumstances while having a witness view a photographic array.
- 8. It should be noted that the suspect has no right to counsel prior to using his/her photograph in a photographic array.

- B. In the event identification is made, the officer will ensure that the person making the identification initials each photograph.

- 1. The photograph that is identified should contain the date, time and signature of the person identifying it.

- C. Once the photographic array has been shown to all victim(s) and/or witnesses and the above requirement has been completed, the photographs will be sealed in an envelope and submitted as evidence to the property room.

60.1.09 ONE-ON-ONE SHOW-UP (IN THE FIELD FOR FELONY OFFENSES)

- A. When an officer deems it necessary to conduct a one-on-one lineup in the field during an ongoing felony investigation, the following conditions should exist:
 - 1. Must be a reported crime.
 - 2. The description of the suspect(s) given to police by the victim and/or witnesses must match that of the suspect(s) being detained.
 - 3. The suspect(s) must be found within a reasonable time and distance from the crime scene.

4. Identification of the suspect(s) should be made as soon as possible.
5. The victim or witnesses will be taken to the location of the suspect(s) if the suspect(s) is only being detained.
 - a. The suspect(s) will not be taken back to the scene of the crime because once the suspect(s) have been moved, the suspect(s) might be considered under arrest.
6. A report will be written describing the circumstances and conditions of the one-on-one show-up, including the location of the suspect, his surroundings and the name and location of all other persons present at the time of the identification.
 - a. It should be noted that the suspect(s) should not be handcuffed or placed in the back of a police vehicle except for the purpose of officer safety.
 - b. When this occurs, the officer conducting the one-on-one identification must ensure that the victim(s) and/or witness(s) making the identification understands that these conditions are not meant in any way to indicate that this is the suspect and that these conditions do not influence their identification.
 - c. This situation should be considered the exception and avoided, if possible.
7. In situations where multiple victims and/or witnesses are present, officers will select the appropriate victim(s) or witness(s) to view the suspect(s) based on credibility, degree of involvement, etc., to establish probably cause for making an arrest.
8. All efforts must be made to avoid the appearance of police suggested identification.
9. In addition each witness or victim should view the suspect(s) separately and kept separated through the viewing in order to avoid the appearance of "group" identification.
10. Exceptions must be approved by the on call Assistant District Attorney and will be documented in the report.

Drafted (rgb) 08/09

TITLE: TRAFFIC ADMINISTRATION**CODIFIED:** 63.1**EFFECTIVE:** 09/01/09**PAGES:** 4**PURPOSE**

The purpose of this directive is to provide general guidelines and assign responsibility for the enforcement of State and local traffic laws and ordinances.

DISCUSSION

The enforcement of traffic laws is an integral part of the law enforcement function. It is one of the most visible activities observed by the public, and frequently is the only contact some citizens may have with a law enforcement officer. Traffic stops are important not only because they promote safety, but also because they frequently reveal criminal activities that may have otherwise gone unnoticed.

The Department has a responsibility to reduce traffic crashes by the enforcement of New Mexico State Statutes and local ordinances. This responsibility includes the formulation of policy and procedures, the development of effective enforcement techniques, allocation of personnel, and the evaluation of effectiveness of the traffic enforcement effort.

POLICY

It shall be the policy of the Department to maintain, analyze, monitor, implement and coordinate the Department's traffic activities.

PROCEDURE**ORGANIZATION AND RESPONSIBILITIES**

The traffic function is a responsibility of the Patrol Division. The Traffic function include:

- Parking and congestion control.

- Conducting traffic-related surveys and preparing and maintaining traffic related reports.

- Scheduled escort and selective enforcement activities.

- Responding to traffic related complaints.

63.1.02 The Patrol Division conducts the Department's Traffic Education Activities.

63.1.03 Officers trained in crash investigation shall provide technical crash investigation.

63.1.04 Officers shall be deployed in an effort to reduce traffic crashes and respond to the needs of the motoring public. These functions include:

- Radar operation in areas where speed violations occur;
- Traffic violations and other related offenses;
- Crowd and traffic control functions;
- Directing traffic when necessary to ensure the safety and/or efficient flow of vehicular and pedestrian traffic;
- Maintaining police visibility in areas known to produce frequent violations or which have a high crash count;
- Stopping violators and issuing warnings or traffic citations, as appropriate;
- Arresting violators found to have committed criminal traffic offenses;

63.1.05 It shall be the responsibility of all uniform personnel to enforce the traffic laws, ordinances and regulations of the State of New Mexico relating to traffic. Uniform personnel shall also provide motorists and stranded persons general and emergency assistance within the scope of their duties

PATROL SUPERVISOR

63.1.06 The Patrol Supervisor shall be responsible for:

- Ensuring that Officers are properly equipped and maintained to carry out the traffic enforcement function. He shall be responsible for ensuring that annual goals and objectives to support this function are developed.

- The development of annual performance objectives.

63.1.07 The Records Supervisor or his/her designee shall maintain a traffic records system which is capable of providing accurate information regarding traffic crash and citation information. Such information shall be available upon request.

63.1.08 VACANT

63.1.09 VACANT

63.1.10 VACANT

63.1.11 VACANT

REPORTS

63.1.12 All incident reports related to traffic or traffic hazards shall be maintained by Records.

63.1.13 VACANT

63.1.14 VACANT

63.1.15 VACANT

63.1.16 VACANT

63.1.17 VACANT

63.1.18 VANCAT

63.1.19 All Departmental reports will be maintained as required by the public records laws.

63.1.20 Department generated reports and records may be filed or stored via computer systems.

TRAFFIC RECORDS

63.1.21 The Department shall coordinate the collection and exchange of information with the various agencies concerned with traffic data. Information concerning traffic activities is available for planning, research, management, and informational purposes upon request from the following locations:

COMPUTER AIDED DISPATCH (CAD)

63.1.22 Information concerning traffic enforcement data (citations, arrests, dispositions, locations) by date, time, location and type is available in CAD.

63.1.23 VACANT

63.1.24 The New Mexico Department of Motor Vehicles compiles information regarding:

- Crash facts – Geographic, temporal and causative analysis of traffic crashes occurring throughout the State of New Mexico.

- Crash records/investigations.

- Statewide crash analysis by code.

63.1.25 The National Highway Safety Administration maintains information regarding:

- Fatal Crash Reporting System. (F.A.R.S.)
- Traffic related studies.

63.1.26 VACANT

63.1.27 VACANT

63.1.28 Officers assigned to directed patrols shall prepare logs that reflect the enforcement action taken.

63.1.29 Logs are reviewed by the officer's immediate supervisor and forwarded to the Chief's Office, and/or others as required.

63.1.30 Records Section shall maintain Department incident reports in reference to crashes without injury, hazardous roadway incident reports and directed patrols.

63.1.31 Citation data is logged into the Records Management System prior to transfer to Municipal Court.

ROADWAY HAZARD REPORTS

63.1.32 Hazardous roadway conditions or deficiencies will be verified and appropriate action taken. Those conditions that cannot be corrected by law enforcement personnel will be referred to the appropriate agency.

63.1.33 Complaints or suggestions which are received or referred to the Communications Section will be recorded in C.A.D., then forwarded to the proper agency for analysis and correction of deficiencies.

63.1.34 Written complaints or suggestions received by the Department shall be forwarded to city hall for evaluation and forwarded as necessary to the appropriate agency.

63.1.35 Deficiencies which present a hazard shall be reported to Traffic Engineering by the employee receiving the complaint.

63.1.36 The complainant should be assured that his complaint will be forwarded.

TEMPORARY TRAFFIC CONTROL DEVICES

63.1.37 The basic types of temporary traffic control devices and their uses are as follows:

OFFICERS/PSA'S – Utilized to divert or control traffic in lieu of other regulatory devices; Should not be used when a traffic signal will alleviate the problem.

MARKED VEHICLE – Utilized to block a particular area or street or to provide warning.

BARRICADE OR ROPE – Used to block an area or street.

TRAFFIC CONES OR FLARES – Utilized to gradually channel traffic from a situation or hazard.

63.1.38 Temporary traffic control devices may be employed for a variety of traffic conditions including but not limited to:

- Emergency conditions such as accidents, fires, hostage situations, riots, road obstructions.
- Non-emergency situations such as parades, sporting events, other planned events involving large gatherings of people or traffic.

MANUAL CONTROL DEVICES

63.1.39 Officers shall exercise judgement in carefully weighing the necessity of effecting manual control of traffic. Factors to be considered should include, but are not limited to, existing roadway congestion, adverse weather conditions, emergency situations, traffic volume, traffic speed, number of pedestrians, estimated duration of congestion period, and manpower availability and safety.

63.1.40 If manual control is performed at an intersection the existing traffic automated signals should be turned off.

63.1.41 When engaged in the manual direction of traffic, each Officer shall have access to a whistle, a flashlight or traffic wand, portable or mobile radio, a raincoat, flares or cones, and a reflective vest.

63.1.42 The whistle shall be upon the Officer's person while engaged in manual direction of traffic.

63.1.43 The issued reflective vest shall be worn while directing traffic. The reflective vest will be

worn over rain gear in foul weather conditions. An exception would be during those brief periods of time when initially effecting manual traffic direction on an emergency basis.

63.1.44 When more than one Officer is involved in manual direction or control of traffic within the same area, the first Officer on the scene shall assume the responsibility of coordinating traffic control.

HAND AND ARM SIGNALS

63.1.45 The following hand and arm signals shall be used:

STOP – The arm is extended at shoulder level with the palm and fingers pointed upward.

- **PROCEED** – A waving motion across the chest indicating the direction of travel.
- **TURNS** – The arm and hand is pointed at the line of traffic to be turned, and then a pointing motion in the direction the traffic is to be directed to.
- **PEDESTRIANS** – The Officer must control the vehicular traffic present and coordinate pedestrian traffic into the traffic pattern.

FIRE SCENE TRAFFIC CONTROL

63.1.46 A traffic control perimeter should be established near the scene in order to control access to the scene, but a sufficient distance from the scene to prevent injury to personnel or damage to property.

63.1.47 Fire Department personnel, including volunteer fire and/or PSA units may be utilized to direct traffic at fires, accident scenes or other emergency situations.

63.1.48 An unobstructed traffic-way should be maintained for use by emergency vehicles.

63.1.49 Volunteer fire fighter vehicles should be directed to an area so as not to obstruct the flow of traffic of emergency vehicles.

63.1.50 A location should be established for pedestrian (spectators, reporters) control.

ADVERSE ROAD OR WEATHER CONDITIONS

63.1.51 When the normal control of traffic is impaired during adverse road or weather conditions, (i.e.; sink holes, fog, rain, ice, snow, smog, blowing

dust, downed power lines, spillage) officer safety must be paramount.

63.1.52 The same procedures for traffic direction and control shall apply as specified in this procedure.

63.1.53 Additional equipment and officers may be required to adequately perform traffic control in a safe and efficient manner.

63.1.54 Officers requiring additional equipment or personnel shall make such requests through the Communications Center.

63.1.55 Officers shall insure that the situation has been adequately provided for before securing their post. This does not preclude the placement of barricades, cones and/or signs to route traffic around or away from the hazard.

Drafted (rgb) 07/09

**TITLE: TRAFFIC CRASH
INVESTIGATION AND ENFORCEMENT**

CODIFIED: 64.1

EFFECTIVE: 09/01/09

PAGES: 7

PURPOSE

The purpose of this directive is to establish guidelines regarding the responsibilities and duties of members of the Espanola Police Department as they apply to traffic crash investigations and enforcement.

DISCUSSION

Traffic accident investigations along with other law enforcement functions within the City of Espanola are primarily the responsibilities of the Espanola City Police Department.

POLICY

It is the policy of the Espanola Police Department to investigate motor vehicle crashes that occur upon the dedicated streets of the City of Espanola, crashes on private property in which structural damage occurs, and all crashes which persons are injured. This Directive will serve as guidance to officers and Public Safety Aides in investigating and reporting crashes involving motor vehicles.

RESPONSE REQUIRED

64.1.01 Officers are required to respond to the scene of a crash, including those on private property, which occur within the City limits of Espanola, any time one or more of the following conditions exist:

- A. Death or injury;
- B. Hit and run;
- C. Impairment of an operator due to alcohol and/or drugs;

D. Damage to vehicles or property in an amount that exceeds \$500.00;

E. Damage to City vehicles or property;

F. A disturbance between principals (drivers, passengers, and/or witnesses);

G. Major traffic congestion resulting from the crash;

H. Any crash that involves hazardous materials:

1. Refer to the Directive entitled "Hazardous Materials Emergency Response".

I. Crashes involving vehicles that are property of other law enforcement agencies, when our Department is requested to handle the investigation.

64.1.02 Public Safety Aides shall be assigned (when available) to respond to private property crashes in which there are no injuries, structural or vehicular damage is less than \$500.00, or need to effect an arrest. If any of these situations apply, an officer shall be assigned to handle the crash.

64.1.03 Persons who are involved in crashes that leave the scene and fail to report the crash within one hour shall be advised to obtain an After the Fact Crash Report Form also known as a Financially Responsibility Form from the Espanola Police Department to report the crash.

A. No officer will be dispatched unless there are extenuating circumstances. Response by an officer must be approved by a field commander or supervisor based upon the criteria set forth in the After-the Fact section of this Directive.

B. After ascertaining "after the fact" motor vehicle crashes have occurred, Emergency Dispatch personnel shall:

- 1. Have driver(s) pick-up a after the fact/Financial Responsibility Form from the Records Section; or
- 2. If driver(s) request, we will mail a form to them. If the call is received during regular business hours (0800 - 1700 Monday - Friday), the call will be transferred to the Records Section so that they may handle the request; or

3. Records clerk(s) will record the name and address of the driver(s) and mail a form to them; and
4. Records personnel, when they receive a telephone call, or when a driver walks in, will contact the dispatch personnel for a case number, attach the number as such, and request that the "after the fact" report is placed into the "CAD".
5. If such an instance should occur that an officer/Public Safety Aide in the field is contacted regarding an "after the fact" crash, the officer only needs to hand out the proper form to the driver and advise them to file such claim with their respective insurance.
6. Any driver requesting information on the other driver through a license plate number will be directed to their insurance company to obtain such information.

CRASH REPORTING REQUIREMENTS

64.1.04 Roadway Crashes

A. Uniform Crash Reports (UCR) are required in the following situations:

1. Total damage to vehicles and/or property exceeds \$500.00;
2. There are visible injuries or the complaint of injuries, regardless of the amount of damage.
3. Hit and run crashes;
4. A City vehicle is involved in the crash;
5. When one or more drivers are arrested for Driving Under the Influence of Intoxicating Liquor or Drugs.
6. A UCR shall be completed any time an officer issues a citation related to any factors that contributed to the crash.
7. When directed to do so by a commander or supervisor.

B. Offense/Incident Report Forms (O/I) may be used to document roadway crash investigations under the following circumstances:

1. Crashes in which total damage to vehicles and property does not exceed \$500.00, no injuries are reported, but one or more parties' requests that a report be completed.
2. Hit and run crashes in which both parties leave the scene, no injuries are involved, total damage does not exceed \$500.00, there is insufficient information to conduct an investigation, and no enforcement action (directly relating to the cause of the crash) is to be taken.
3. When road and weather conditions are so severe that there is a high probability of further crashes occurring, proper investigation is hampered, no enforcement action (directly relating to the crash is to be taken), and the on-duty commander or supervisor issues an order to use the O/I form.
4. When directed to do so by a commander or supervisor and no enforcement action (directly relating to the cause of the crash) is to be taken.

C. Private Property/After the Fact Forms may be used to document roadway crash investigations under the following circumstances:

1. Crashes in which both parties leave the scene and fail to report within one hour;
2. Total damage to vehicles and property does not exceed \$500.00;
3. No visible injuries or complaints of injury are involved;
4. No enforcement action of any type can be taken.
5. When complainants arrive at the Police Station to file a crash report and paragraphs 1 through 4 of this section apply.

64.1.05 Private Property Crashes

A. Uniform Crash Reports (UCR) are required in the following situations:

1. There are visible injuries or the complaint of injuries, irregardless of the amount of damage.
2. When one or more drivers are arrested for Driving Under the Influence of Intoxicating Liquor or Drugs since the Traffic Safety Bureau, Department of Motor Vehicles, and State Highway Department mandate that a UCR be completed any time an officer issues a citation related to any factors that contributed to the crash.
3. When there is damage to any structure.
4. When directed to do so by a commander or supervisor.

B. Offense/Incident Report Forms (O/I) may be used to document private property crash investigations under the following circumstances:

1. Crashes in which total damage to vehicles and property exceeds \$500.00, no injuries are reported, but one or more parties requests a report be completed, and approval is granted by a commander/supervisor.
2. When directed to do so by a commander or supervisor and no enforcement action (directly relating to the cause of the crash) is to be taken.

C. Private Property/After the Fact Forms may be used to document all private property crash investigations under the following circumstances:

1. Total damage to vehicles and property does not exceed \$500.00, if in excess of \$500.00, when approved by a commander/supervisor;
2. No visible injuries or complaints of injury are involved;
3. No enforcement action, to include arrest, is to be taken;
4. No structural damage is reported as a result of the crash.

5. When complainants arrive at the Police Station to file a crash report and paragraphs 1 thru 4 of this section apply.
6. When handled by a public safety aide and paragraphs 1 through 5 of this section apply.

64.1.06 After the Fact Crashes

A. Uniform Crash Reports (UCR) are required in the following situations:

1. There are visible injuries or the complaint of injuries, irregardless of the amount of damage, if reported within one hour of the crash.
2. When one or more drivers are arrested for Driving Under the Influence of Intoxicating Liquor or Drugs.
3. The Traffic Safety Bureau, Department of Motor Vehicles, and State Highway Department mandate that a UCR be completed any time an officer issues a citation related to any factors that contributed to the crash.
4. When directed by a commander/supervisor.

B. Offense/Incident Report Forms (O/I) may be used to document after the fact crash investigations under the following circumstances:

1. Crashes in which total damage to vehicles and property does not exceed \$500.00, no injuries are reported, but one or more parties requests a report be completed.
2. When directed to do so by a commander or supervisor and no enforcement action (directly relating to the cause of the crash) is to be taken.

C. Private Property/After the Fact Forms may be used to document after the fact crash investigations under the following circumstances:

1. Crashes in which both parties leave the scene and fail to report within one hour;
2. Total damage to vehicles and property does not exceed \$500.00 (if on the roadway);

3. No visible injuries or complaints of injury are involved;
4. No enforcement action of any type can be taken.
5. When complainants arrive at the Police Station to file a crash report and paragraphs 1 through 4 of this section apply.

64.1.07 Motor Vehicle Fatalities/Major Injury Motor Vehicle Crashes

- A. Position your police vehicle, utilizing the vehicle's emergency lights, to protect the crash scene, to include any 'short lived' evidence and divert the flow of traffic safely away from the scene.
 1. The use of special equipment, i.e., flares, reflectors, barricades, traffic cones, crime scene tape, etc., to route traffic by the MOST expedient and safest route around the scene should be determined and implemented.
- B. The BACKUP OFFICER and/or a Public Service Aide will be responsible for traffic control at the scene.
 1. In ALL cases, the officer or PSA conducting traffic control shall wear his/her reflective safety vest.
- C. Enter the immediate crash scene to view the victim(s), if it is safe to do so.
- D. Determine if any of the crash victims are dead or dying.
- E. If an ambulance is not already present at the scene, summon an ambulance and administer the appropriate first aid procedures. Record the time the ambulance was requested.
- F. In ALL instances where first aid is required prior to the ambulance's arrival, the officer shall perform ONLY that level of aid for which he/she has been trained and certified in.
- G. If CPR is necessary, the officer will perform CPR as needed and will do so with the CPR mask provided by the Espanola Police Department.

- H. Notify the On-Duty Patrol Commander of the situation, if not already present.
- I. It shall be the On-Duty Patrol Commander's responsibility to notify the Investigations Commander, if the situation so requires it.
- J. Record the names and ambulance number of the ambulance crew present at the scene, if any.
- K. Exclude ALL persons, including police personnel who DO NOT have an official function at THE SCENE.
 1. Be careful not to chase off witnesses or the suspect, who may still be present.
 2. If it is NECESSARY for a Doctor or Clergyman to enter the scene, they are to be escorted by an officer, in and out of the scene, and cautioned about touching or moving anything.
- L. If the other vehicle/driver has fled the scene, initiate an "All Points Bulletin."
- M. Attempt to identify the entire crash scene and areas that may include evidence.
- N. Officers at the scene also should inspect the scene for fire hazards and possible hazardous materials spills, so that the proper procedures may be initiated to deal with these additional hazards. If any fire or fire hazards exist, notify the Espanola Fire Department. If a hazardous materials spill exists, refer to the Standard Procedure 40.1 "Hazardous Materials."
- O. Secure and protect the scene, by establishing a perimeter using isolation and physical barriers such as ropes, cones, crime scene tape and other equipment as necessary.
- P. In the event major traffic congestion results from the crash, position traffic control personnel in locations to re-route all traffic.
- Q. Request Emergency Dispatch Personnel call the local radio stations to deter traffic into the area.
- R. Request additional officers if needed to protect the crash scene.
- S. Locate, identify and isolate any witnesses at the scene for Investigating Officer, to prevent the witnesses from talking to each other.

- T. Attempt to obtain the victim's name and personal information.
- U. Stand by for Investigation Officers to arrive at the scene.
- V. Upon the arrival of the Investigation Officer, brief him/her on all information and what has occurred to this point.
- W. Once the Investigation Officer is on the scene, the crash scene and the traffic crash investigation becomes the responsibility of the Investigating Officer. ALL interviewing of witnesses, collection of evidence, photographing and removal of any vehicles, persons and/or debris will be his/her responsibility. This includes, yet is not limited to, any follow-up investigation, issuance of citations and any arrests that need to be made.
- X. With the approval of the On-Duty Patrol Commander, assist the Investigation Officers as necessary.
- Y. Prepare a complete, accurate and detailed report of all observations and actions by you.
- Z. All police personnel, regardless of rank, who had entered the crash scene and/or have had any official involvement with the investigation, are required to submit a detailed supplemental report, at the direction of the On-Duty Patrol Commander or the Commander in charge of the scene.

64.1.08 Hit and Run Motor Vehicle Crashes (Property Damage)

- A. The scene shall be inspected for any fire hazards and/or possible hazardous materials spills, so that the proper procedures may be initiated to deal with these additional hazards. If any fire or fire hazards exist, notify the Espanola Fire Department. If a hazardous materials spill exists, refer to the Standard Procedure 40.1 entitled Hazardous Materials.
- B. Position your police vehicle, utilizing the vehicle's emergency lights, to protect the crash scene, to include any 'short lived' evidence and divert the flow of traffic safely away from the scene.

- C. After determining the most expedient and safest route around the scene, the officer should use special equipment, i.e., flares, reflectors, barricades, traffic cones, crime scene tape, etc., if necessary to route the traffic around this scene.
- D. The assigned officer is responsible for:
 - 1. Administering emergency medical care and providing basic life support.
 - 2. Summoning an ambulance and/or additional assistance, i.e., officers, rescue squad, tow trucks, etc.
 - 3. Protecting the crash scene.
 - 4. Preserving 'short lived' evidence.
 - 5. Establishing a safe traffic pattern around the accident scene.
 - 6. Locating any witnesses and recording crash information.
 - 7. Expediting the removal of any vehicles, persons and/or debris from the roadway.
- E. The BACKUP OFFICER will be responsible for traffic control at the scene. If a Public Safety Aide (PSA) is assigned for traffic control and the BACKUP OFFICER is not needed, the BACKUP OFFICER shall return to service.
- F. Contact the parties involved in the crash and ascertain if medical attention and/or assistance is necessary. If so, summon an ambulance and administer appropriate first aid procedures. Record the time the ambulance was requested.
- G. In ALL instances where first aid is required prior to the ambulance's arrival, the officer shall perform ONLY that level of aid for which he/she has been trained and certified in.
- H. Obtain the following information:
 - 1. Driver's name(s) and driver's license information.
 - 2. Vehicle(s) information, to include the vehicle registration and proof of liability insurance.

- 3. The hit and run vehicle's and/or driver's information and present location, if known.
- 4. Passenger's name(s) and personal information.
- 5. Determine if the damages are over or under \$500.00
- 6. Description of the crash.

I. Initiate an "All Points Bulletin" for the hit and run vehicle and/or driver.

J. Attempt to locate and identify witnesses, if any. If witnesses are found, an oral and/or handwritten statement shall be obtained from each witness.

K. If a license plate number was obtained for the hit and run vehicle, a check shall be made through NCIC for an wants and through the Department of Motor Vehicles for the current registered owner's name, personal information and vehicle information.

L. If the vehicle(s) have NOT been moved since the crash occurred, a sketch of the crash scene will be made containing all pertinent information, i.e., reference points, the position of the vehicle(s) involved, skid marks, photos, etc., to include measurements.

- 1. This will be done in all cases, EXCEPT when doing so would create a greater hazard to the safety of the public, the parties involved or the officer, i.e., rush hour traffic, heavy fog, slick and icy road conditions, etc. Under those conditions, the officer's primary concern will be to remove the vehicle(s) from the roadway and THEN continue with the crash investigation.

M. If a vehicle was abandoned at the scene by the hit and run driver, said vehicle shall be impounded.

N. For Towing and Wrecker Services refer to Directive 50.1.

O. Determine if there are any violations of the City of Espanola Traffic Code and take the appropriate enforcement action for each.

P. In all cases, leave a business card with the handling officer's name and case number.

Q. Prior to leaving the crash scene, ensure the roadway is free of any debris or safety hazards that were created by the crash. If clean up is needed, make the necessary requests to have it corrected, i.e., the wrecker service if a vehicle was towed, the City Streets Division, Fire Department, etc.

R. A check of the hit and run driver's residence, if known and local, will be made or any other possible local locations where the hit and run driver may have fled.

S. If the hit and run driver is located, the appropriate enforcement action will be taken. If the hit and run driver's vehicle was impounded, the driver/owner shall be given the yellow copy of the Vehicle Impound Form.

T. If the hit and run driver is not located, a Hit and Run Crash Notification Letter shall be mailed to the current registered owner, by certified mail, at the address listed on the registration return. If the hit and run vehicle was impounded, a Vehicle Impoundment Letter and the yellow copy of the Vehicle Impoundment Form shall also be mailed with the above-certified letter.

U. If a certified letter is mailed, the certified letter number shall be noted in the narrative portion of the report and a copy of the letter(s) shall be attached to the report.

V. Upon receiving the Certified Letter Return Receipt Card, a supplemental report shall be completed, noting the date the letter was received and the person's name who signed for the Certified Letter. The Return Receipt Card will then be attached to the supplemental report. If the entire letter is sent back as 'Undeliverable', a supplemental report shall be completed and the letter attached to the supplemental report.

W. Prepare a complete, accurate and detailed report of all observations and actions by you.

64.1.09 Miscellaneous

- A.** Situations in which the drivers remove their vehicles from a roadway to a parking lot or other safe area, will not constitute "after the fact" crashes.

- B.** Crashes in which a vehicle leaves a roadway and strikes a vehicle/object on private property is considered a roadway crash.
- C.** Cases where a vehicle is used to intentionally cause damage will not be investigated as a crash, but as a criminal act.
- E.** The Espanola City Ordinances governing moving traffic violations will be the official guide for appropriate enforcement action.
- F.** All citations issued will be in accordance with New Mexico State Law, City Ordinances, and regulations outlined in the Patrol Procedures Manual.

AIRCRAFT CRASHES

64.1.10 The City of Espanola does not control an airport within the boundaries of the city. Ohkay Owengeh is the closest in proximity. Any aircraft crashes will be the responsibility of the Ohkay Owengeh Police Department.

Drafted (rgb) 07/09

TITLE: ROADBLOCKS AND CHECKPOINTS**CODIFIED:** 65.1**EFFECTIVE:** 09/01/09**PAGES:** 2**PURPOSE**

The purpose of this directive is to establish guidelines regarding the use of roadblocks and checkpoints by Department personnel.

DISCUSSION

There are circumstances that may necessitate the use of roadblocks or checkpoints, including but not limited to the following types:

- A. Fleeing Felon.**
 - Routing a fleeing felon away from densely populated areas;
- B. Containment/Isolation**
 - Containing or isolating of crime scenes, civil disorders or riots;
- C. Traffic Emergency/Planned Events**
 - Limiting or stopping of traffic during emergency/non-emergency situations,
- D. D.U.I.**
 - Determining if motorists are under the influence of alcoholic beverages or narcotics.

POLICY AND PROCEDURE**ROADBLOCKS**

65.1.01 Roadblocks shall not be used when the hazards or risks to the general public exceed the benefits of the roadblock.

65.1.02 Fleeing Felon

A. The extreme danger inherent in the use of roadblocks (obstruction of the roadway or portion thereof) mandates that they should be used only

after lesser means of traffic control have failed or have been determined to be ineffective.

- B.** A field sergeant or other competent authority may authorize the use of a stationary roadblock;
- C.** To route a fleeing felon away from densely populated areas. For the purpose of this section, the person pursued must have committed an act in which the use of deadly force would have been justified at the time the decision to pursue is made.
- D.** The roadblock shall be established. An escape route for law enforcement officers, the suspect and the public will be provided.
- E.** The roadblock shall be immediately discontinued upon accomplishing its goal or if the risks involved are outweighed by public safety.
- F.** The Supervisor shall continuously monitor the roadblock to insure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks.

65.1.03 Containment/Isolation

A. When necessary to preserve crime scenes, in emergency situations, or in the event of road obstructions, fires, riots, civil disorders, to limit or stop traffic.

65.1.04 Traffic Emergency/Planned Events

A. In non-emergency situations such as parades, sporting events, and other planned events involving large gatherings of people or traffic, to limit or stop traffic flow.

B. Personnel and equipment necessary shall be assembled.

C. All involved personnel shall be briefed on the purpose of the roadblock, limitations imposed and specific duties to be performed.

D. The Supervisor shall continuously monitor the roadblock to insure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks.

E. The supervisor and the Communications Center shall be advised at the time the roadblock is discontinued.

CHECKPOINTS

65.1.12 Driving Under the Influence (DUI) checkpoints will normally be the responsibility of the DUI Officer. The officer will insure that all uniform procedures are followed as required by New Mexico Case Law (Betancourt vs. Las Cruces).

65.1.13 The location will be published to the public prior to the checkpoint.

65.1.14 The officer in charge shall insure placement of:

- Signs informing the public of the reason for the checkpoint;
- Cones and/or flares, as needed;
- Barricades and other safety devices required.

65.1.15 A report will be prepared upon completion to include:

- The name and rank of the officer in charge;
- The name and rank of all personnel involved;
- The number of citations issued, categorized, i.e.; number of DL, equipment, registration violations and arrests;
- The sequence or method used for vehicle selection.

65.1.16 Checkpoint statistical information will be maintained by the DUI officer.

65.1.17 Only uniformed personnel will conduct traffic checkpoints.

65.1.18 All personnel involved will be briefed by the supervisor in charge, to include but not limited to:

- The purpose of the checkpoint;
- Safety precautions;
- Assignments;
- The planned vehicle stop sequence (the order in which vehicles will be stopped);
- The manner and procedure to be used when contact is made with the public.

65.1.19 The officer in charge shall organize and correlate the availability of personnel and equipment, to provide for;

- The safety of the public;

- Transportation of arrested persons;
- The towing of vehicles;
- The collection of evidence;
- Breath testing operations;
- Other personnel and equipment as required.

65.1.20 The officer in charge may temporarily discontinue operations in order to facilitate the safe flow of traffic.

65.1.21 Officers will:

- Identify themselves and inform the operator of the reason for the stop;
- Adhere to the stopping sequence, unless an enforceable violation occurs;
- Be observant for signs of criminal activity;
- Conduct investigations at the designated location;
- Wear a reflective vest while controlling traffic.

DRAFTED(rgb) 07/09

TITLE: TRAFFIC LAW ENFORCEMENT**CODIFIED:** 66.1**EFFECTIVE:** 09/01/09**PAGES:** 7**PURPOSE**

The purpose of this directive is to establish procedural guidelines and standards for uniformed sworn employees charged with enforcing traffic laws.

DISCUSSION

Traffic law enforcement is the responsibility of all uniformed law enforcement personnel. Emphasis is placed on the qualitative aspects of traffic law enforcement, rather than quantitative. Activities should be directed to control violations of the traffic law through preventative patrol and active enforcement.

POLICY

It shall be the policy of the Department to enforce the traffic laws of the State of New Mexico, and local traffic ordinances and regulations in a uniform and consistent manner, without regard to race, religion, sex, age, or economic standing in the community.

Officers shall conduct themselves in a courteous manner, and not intentionally humiliate, embarrass, or harass citizens.

Officers shall retain their discretionary privilege, and shall exercise sound judgement in reference to traffic law enforcement.

There shall be no "quota system" nor other procedure by which an employee is required to cite a specific or minimum number of motorists during a specified period of time.

PROCEDURE

66.1.01 Enforcement action is necessary whenever an Officer observes a serious or overt traffic

violation, or a violation which places others in immediate or near danger.

66.1.02 Traffic violations of a routine nature will not be the subject of enforcement action by off duty personnel. Only those violations which pose an immediate threat to the safety of the public, in which an "on duty" officer cannot be summoned, shall be authorized for off duty stopping/enforcement.

66.1.03 Officers responding to a previously dispatched call for service will balance the seriousness of the traffic violation against the urgency of the call for service to which he/she is responding.

66.1.04 Officers shall use discretion in reference to the type of enforcement action to take for traffic violations. When deciding the level of enforcement action to take, the type and severity of the violation committed shall be considered. There are three general levels of enforcement action available to officers:

- **Warning** – Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the officer feels the warning is sufficient to correct the violation.
- **Traffic Citation** – Officers may issue Uniform Traffic Citations for specific violations of New Mexico State Statutes and Municipal Ordinances. Traffic infractions are non-criminal violations and may only be charged through use of a Uniform Traffic Citation (UTC). Criminal traffic violations must be evaluated with the utmost care. As in most cases, Officers have the option to physically arrest the offender. If physical arrest is not possible or deemed inappropriate, the defendant will be charged using the Uniform Traffic Citation.
- **Physical Arrest** – Physical arrest may be made for most misdemeanors and all felony criminal violations of the traffic laws.

66.1.05 Misdemeanor violations may be handled:

- By the issuance of a Uniform Traffic Citation with mandatory court appearance;
- By arrest and release upon issuance of a Uniform Traffic Citation;
- Through arrest, issuance of a Uniform Traffic Citation, and completion of an Arrest Report.

66.1.06 Felony violations may be handled by the issuance of a UTC and submission of a Criminal Complaint Affidavit to the Santa Fe or Rio Arriba Magistrate or District Court.

66.1.07 In all cases, officers will exercise sound judgement and discretion when deciding what level and type of enforcement action to take.

TRAFFIC ENFORCEMENT PRACTICES

66.1.08 Concentrated enforcement efforts should be directed at those areas, at the times and for the offenses which have been identified by analysis. A variety of tactics may be used to enforce compliance with the traffic laws.

66.1.09 **Visible Traffic Patrol** – shall be used while conducting:

- **Area Patrol** - Units may be deployed to a specific geographical area to enforce the traffic laws. Officers will be assigned to particular areas events or circumstances to conduct highly visible preventable patrols.
- **Line Patrol** - Units are stationed on particular roads, either in stationary observation or moving patrol. Line patrols will be conducted when specific roads are identified as having unusually high crash or fatality rates. Rigorous enforcement of all traffic laws should be employed.
- **Directed Patrol** – Directed patrols should be employed to tackle specific problems or complaints. Officers are directed in their enforcement actions toward those violations identified as contributing to the crashes or specific complaints. Officers assigned directed patrols shall document the actions taken during the detail and forward the information to the Operations Support Sergeant.

66.1.10 **Stationary Observation** – Stationary observation may be covert or overt and employed to for the operation of radar, detection of defective equipment violations, surveys and the enforcement of other traffic violations. Stationary observation may be conducted in two ways:

- **Overt** – Highly visible stationary observation may be employed to slow traffic, remind citizens of their responsibility to obey the traffic laws, or

observe, identify and target particular problems. Officers should park vehicles so as to avoid presenting a roadway or visibility obstruction. Radar may be effectively employed during overt observation.

- **Covert** – Covert observation is normally employed to conduct surveys or detect those violations of traffic laws which would not occur if Officer's presence was known. Officers may use covert observation to detect and enforce any violations of the laws of the State of New Mexico and the City of Espanola. Covert observation of intersections, roadways and school crossings are recommended during traffic surveys.

66.1.11 **Unmarked Vehicles** - All unmarked vehicles used for traffic enforcement shall be equipped with emergency lighting equipment and a siren.

66.1.12 Normally, the Department does not deploy unmarked vehicles for traffic enforcement activities; however, uniformed sworn personnel observing violations are charged with enforcement activities.

66.1.13 Plain-clothes sworn personnel shall not conduct traffic stops; however, an exception would be violations or circumstances which expose the public to danger.

66.1.14 Plain-clothes officers conducting traffic stops shall advise the dispatcher of the stop, location, license plate number, description of the vehicle and the fact that they are in plainclothes, and request that a uniformed officer be dispatched to their location.

66.1.15 Plain-clothes officers shall clearly identify themselves to the violator and advise the violator to stand-by until a uniformed officer arrives.

66.1.16 The officer stopping the violator shall handle the enforcement actions.

UNIFORM TRAFFIC LAW ENFORCEMENT ACTIONS

66.1.17 It is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, Officers must decide what enforcement action is proper based on a combination of training, experience and common sense.

DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS

66.1.18 Officers shall make a concerted effort to detect and apprehend those persons suspected of violating New Mexico State Statute or Municipal Ordinance for Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or Driving with an Unlawful Blood-Alcohol Level.

SPEED VIOLATIONS

66.1.19 Officers enforcing speed violations using speed measuring devices must have completed the radar certification course established by the New Mexico Law Enforcement Academy.

66.1.20 Officers using speedometers to establish probable cause to issue speed violation citations must pace the violator for an adequate distance to ensure an accurate reading prior to the stop

66.1.21 Officers not certified in radar operation may support certified operators by issuing citations and listing the Officer who operated the device as a witness.

EQUIPMENT VIOLATIONS

66.1.22 Officers shall consider using written warnings for minor equipment violations in lieu of traffic citations.

66.1.23 If the citation is issued refer to section 66.1.68 of this Directive.

66.1.24 If a written warning is issued, the issuing Officer shall explain the procedure for making the necessary repairs.

PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

66.1.25 Public carrier and commercial vehicles must comply with all applicable laws, rules and regulations.

66.1.26 Officers may summon assistance from the New Mexico Department of Public Safety (N.M.D.P.S.) or New Mexico Department of Transportation for special equipment needs.

66.1.27 School buses must comply with Federal laws as well New Mexico Statutes.

TRAFFIC VIOLATIONS

66.1.28 Traffic citations shall be based on lawful authority and probable cause which satisfies the elements of the specific violation being charged. Officers enforcing hazardous and non-hazardous violations may use discretion when appropriate.

66.1.29 Hazardous violations expose a person or property to risk, loss or damage (i.e., running a red light/stop sign, careless driving, reckless driving).

66.1.30 Non-hazardous violations are violations which are not likely to involve or expose persons and/or property to risk, loss, or damage (i.e. operating a motor vehicle after driving privileges have been suspended or revoked).

MULTIPLE VIOLATIONS

66.1.31 Officers shall exercise discretion when dealing with multiple violations. Consideration should be given to issuing citations for charges encompassing multiple lesser violations, i.e., running a stop sign and speeding can be cited as careless driving.

NEWLY ENACTED LAWS AND/OR REGULATIONS

66.1.32 Officers shall be notified of newly enacted laws or regulations via legal bulletins.

66.1.33 When considering enforcement action in the above listed situations, the Officer shall evaluate:

- The actual or potential danger to person and property;
- The seriousness of the violation;
- The degree or excessiveness to which the motorist violated the law;
- The attitude of the motorist;
- The urgency of calls for service to which the Officers may be responding.

BICYCLE/PEDESTRIAN VIOLATIONS

66.1.34 Written warnings, Uniform Traffic Citations or Misdemeanor Citations (whichever applies) shall be issued to bicycle operators and pedestrians who violate traffic laws, with particular attention being paid to the following offenses:

- Riding on the wrong side of the road, against traffic;
- Or improper lights during night riding;
- Failure to obey traffic signs or signals;
- Failure to yield to on-coming traffic when exiting residential driveways;
- Soliciting a ride, employment, or business from an occupant of any vehicle;
- Crossing an intersection at other than right angles.

66.1.35 Traffic citations or warning for bicycle/pedestrian violations shall be issued under the following guidelines:

- For violators 14 years of age or older, the Officer shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.
- First time violator under 14 year of age should be issued a verbal or written warning.

66.1.36 If a written warning is issued, the Officer shall write a "B" for bicycle or "P" for pedestrian on the top left corner of the warning to indicate a bicycle infraction.

66.1.37 The Officer shall obtain the violators parent's name, address, and zip code and write this information on the citation.

66.1.38 Warning citations shall be filed with the records division.

66.1.39 For serious violators and repeat offenders under the age of 14, the Officer should use discretion when deciding to issue a citation, written or verbal warning.

66.1.40 If a Uniform Traffic Citation is issued, the Officer shall write the letter "B" or "P", as applicable, on the top left corner of the infraction.

66.1.41 Officers shall advise Communications of bicycle/pedestrian violation contacts and the action taken. This information shall be used as data for analysis and counteracting the precipitating factors.

OFF-ROAD VEHICLES

66.1.42 Officers shall enforce all traffic laws as they apply to off-road recreational vehicles.

66.1.43 Written warnings and Uniform Traffic Citations shall be issued to operators who violate traffic laws, with particular attention being paid to the following offenses:

- Unlicensed vehicles operating on the roadway. Officers shall immediately remove or cause unlicensed vehicles to be removed from the roadway.
- Misuse of public trails.
- Improper crossing of roadway.

66.1.44 For violators 14 years of age or older, the Officer shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.

66.1.45 First time violators under 14 years of age should be issued a verbal or written warning. The Officer shall obtain the violator's parent's name, address, and zip code and write this information on the citation.

66.1.46 For serious violators and repeat offenders under the age of 14, the Officer should use discretion when deciding to issue a citation, written or verbal warning. Refer to Directive 46.1.03, Juvenile Matters, for further assistance when issuing citations to offenders under the age of 14.

66.1.47 Officers shall advise Communications of off-road recreational vehicle violations and the action taken.

VEHICLE OPERATION

ROUTINE VEHICLE OPERATION

66.1.48 Under normal, non-emergency operating conditions and while responding to routine calls for service, operators of Department vehicles shall strictly adhere to all traffic laws, and shall drive defensively in a safe and courteous manner. Seatbelts shall be worn at all times as required by State Statutes.

EMERGENCY OPERATION

66.1.49 Department personnel may engage in emergency vehicle operations in accordance with

New Mexico State Law when responding to an emergency or when in pursuit. (See directive 75.1)

66.1.50 Department vehicles engaged in emergency operations shall utilize emergency lights. The siren shall be used to warn vehicular and pedestrian traffic along the emergency route. Hazardous warning lights, the spotlight, take-down lights and public address system may be used as additional safety measures during emergency operations.

66.1.51 When engaged in emergency operations, the operator shall exercise extreme care.

66.1.52 In accordance with State Law, emergency vehicle operators may:

- Exceed the speed limit so long as life or property are not endangered. Speed shall be limited by road and weather conditions and the exercise of good judgement.
- Proceed past stop signal or sign, but only after slowing down or stopping to allow cross-traffic to yield in each lane before attempting to cross that lane.

Disregard regulations governing direction of movement or turning in specified direction, so long as life or property is not endangered.

• Disregard regulations governing parking laws under normal circumstances, except that Department vehicles shall not block access to a fire hydrant at the scene of a fire, or in any way obstruct fire apparatus.

66.1.53 Emergency operation of Department vehicles shall immediately be reported to Communications via radio.

66.1.54 Operators shall immediately terminate emergency operation when ordered to do so by superior authority.

TRAFFIC STOPS

66.1.55 Officers making traffic stops shall contact the radio dispatcher and advise that a vehicle is being stopped, the location, the tag number and the vehicle description (model, color, year, other identifying features.) This shall be done in manner that allows the dispatcher to copy the information.

66.1.56 The Officer making the stop shall direct the violator to a suitable stopping point where the normal traffic flow will not be impeded.

66.1.57 When possible, Officers shall avoid using private drives and business access areas for traffic stops.

66.1.58 Traffic stops should be made at the right-hand edge of the roadway.

66.1.59 Officers shall exercise caution when approaching the violator's vehicle, observing for suspicious activity by vehicle's occupants. The approach method employed should be based upon the Officer's training, experience and circumstances surrounding the stop.

FELONY TRAFFIC STOPS

66.1.60 Felony Stop Procedures are to be utilized when there is probable cause to believe that a crime has been committed and the perpetrator(s) are in the vehicle being stopped, or when an officer has probable cause to believe a subject in the vehicle is armed and presents a clear and present danger to the officer(s).

66.1.61 PRIOR TO TURNING ON YOUR EMERGENCY LIGHTS to make the felony stop, if possible, notify communications of the following:

- A. Your intention to make a felony traffic stop.
- B. Suspect's vehicle's license plate number and vehicle description, i.e., year, make, model, style, color, etc.
- C. Number of visible occupants in the vehicle.
- D. Your present location and direction of travel.
- E. Purpose for the stop.

66.1.62 Notify the On-Duty Patrol Commander of the situation.

66.1.63 Request additional backup officers. A MINIMUM OF TWO (2) backup officers shall be requested, if not already present.

66.1.64 Ask the backup officers what their present location is and coordinate the felony traffic stop with the backup officers.

66.1.65 Select a suitable location for the stop, to include if possible:

- A. Adequate lighting.

- B. Visibility of the police vehicle(s) and the suspect's vehicle.
- C. An area of little pedestrian and vehicular traffic.
- D. Surroundings, (officer safety and available cover; bystanders, location in reference to back-ups).
- E. Escape route(s).

NOTE: The officer's safety and the safety of the public are the most important considerations.

66.1.66 Using your police vehicle's emergency equipment, i.e., emergency lights, headlights, spotlight, siren, horn, public address system (PA), etc., stop the suspect's vehicle.

66.1.67 ALWAYS remain observant for any suspicious and/or unusual activities/movements by the driver and/or passengers in the suspect's vehicle.

66.1.68 Upon stopping the suspect's vehicle, notify communications of your exact location.

66.1.69 Police vehicles will be positioned so that they provide maximum coverage and concealment for the officers and maximum visibility of the suspect's vehicle and its occupants.

66.1.70 The PRIMARY OFFICER shall be responsible for controlling the action of the suspect(s) as they exit from the vehicle.

66.1.71 BACKUP OFFICER #1 shall be responsible for handcuffing, frisking and placing the suspect(s) in the police vehicles.

66.1.72 BACKUP OFFICER #2 shall be responsible for all person(s) remaining in the suspect's vehicle.

66.1.73 While remaining behind cover and using your PA, the PRIMARY OFFICER shall identify himself/herself as a police officer and:

- A. Order the driver and/or passengers in the vehicle to remain in the vehicle.
- B. Order the driver and/or passengers in the vehicle to place their hands in plain view.
- C. Inform them that they are considered armed and dangerous, and ANY movements made by them without being ordered to do so by a police officer, will be considered a threat against the officers.

D. Order the driver to turn off the vehicle using his/her left hand and throw the vehicle keys out the window.

E. Order the driver to place both his/her hands out of the driver's door window and open the driver's door using his/her right hand.

F. Order the driver to slowly exit the vehicle, facing forward away from the police vehicles, with his/her hands behind his/her head and his/her fingers laced tightly together.

G. Order the driver to slowly turn around in a complete circle.

1. As the driver makes the turn, look for any visible weapons the driver may have in his/her possession.

H. Order the driver to walk backwards until he/she is directly in front of the police vehicle, then STOP.

I. Order the driver to step to his/her left until he/she is clear of the police vehicle, then STOP.

J. Order the driver to kneel onto his/her knees.

K. Order the driver to cross his/her feet and sit back onto his/her ankles.

66.1.74 BACKUP OFFICER #1 will handcuff, frisk and place the suspect in a police vehicle.

66.1.75 BACKUP OFFICER #1 will obtain the following information from each suspect immediately upon placing him/her in the police vehicle:

- A. Number of remaining suspects in the vehicle and their location.
- B. If there are any weapons in the vehicle and their location.

66.1.76 In a similar manner, remove the remaining occupants from the vehicle, starting with anyone in the front seat of the vehicle. All remaining occupants will exit the vehicle from the right side.

66.1.77 When all the visible occupants have been removed from the suspect's vehicle and secured, the following will be done:

- A. BACKUP OFFICER #1 will remain with the suspect(s).
- B. The PRIMARY OFFICER will approach the suspect's vehicle, USING THE UPMOST

CAUTION, with the assistance of BACKUP OFFICER #2.

C. BACKUP OFFICER #2 will provide cover for the PRIMARY OFFICER, as he/she approaches the suspect's vehicle.

66.1.78 The suspect's vehicle will be checked for any other person(s) who may be hiding in the vehicle. ALL areas that may conceal a person will be checked.

66.1.79 The suspect's vehicle will be checked for any weapons and/or contraband, in accordance with Directive 55.1, Search and Seizure.

CITIZEN CONTACT

66.1.80 The Officer's initial contact with the violator shall be courteous and professional in nature. The Officer shall not approach the citizen in a rude and offensive manner.

66.1.81 The Officer shall be certain that the vehicle stopped has committed the violation.

66.1.82 The Officer shall present a professional image by proper dress, grooming, language, bearing, and emotional stability.

66.1.83 Citizens shall be greeted and addressed by an appropriate title(Sir, Ma'am). Officers shall advise the driver of the reason for the stop.

66.1.84 The Officer should explain the violation, ensuring the driver understands how he/she violated the law and the proper course of conduct to correct the violation.

66.1.85 During contact with the violator, the Officer should check for signs of physical impairment, emotional distress, and alcohol/drug abuse.

66.1.86 Upon completion of the traffic stop the Officer should assist the violator to re-enter the traffic flow safely.

UNIFORM TRAFFIC CITATION PROCEDURE

66.1.88 All violations, to include, 1st, 2nd and 3rd DWI's, covered by City Ordinance, shall be cited into Municipal Court. The only exception is when the violations are secondary to a primary charge that is a high-court misdemeanor or felony. At the time a motorist is charged with a violation the Officer will:

- Advise the motorist whether court appearance is mandatory or optional, the Officer shall advise the motorist that if he/she wants a court appearance, they must request a court date from the clerk of the court. If court appearance is mandatory, the Officer should indicate it on the citation and explain to the motorist that he/she will be receiving notification of this court date via the mail.
- Advise the motorist if he/she will be allowed to pay a fine in lieu of court appearance, the amount of the fine, and that it may be paid by mail.
- Advise the motorist of any other options available to him/her, if other options apply.
- Point out the information sections on the defendant's copy of the citation.

WARNING CITATIONS

66.1.89 When a warning citation is issued by an Officer the violator's copy shall be given to the violator along with a verbal explanation of the violation and what measures should be taken in the future to prevent the reoccurrence of the violation.

NOTE: Warning Citations shall not be issued in cases involving Motor Vehicle Crashes.

DRAFTED(rgb) 08/09

TITLE: DUI ENFORCEMENT**CODIFIED:** 67.1**EFFECTIVE:** 09/01/09**PAGES:** 6**PURPOSE**

The purpose of this directive is to establish policy and procedures for the enforcement of state laws prohibiting the operation of a motor vehicle while impaired due to alcohol or other controlled substances.

DISCUSSION

Enforcement of DUI traffic laws is an important duty of the law enforcement officer charged with protecting the public welfare. Drivers impaired by alcohol and/or drugs represent a serious threat to public safety.

POLICY

It shall be the policy of the Espanola City Police Department to vigorously enforce the DUI traffic laws of the State of New Mexico.

PROCEDURE

While each DUI stop is unique, the following procedures shall be followed as closely as practicable. It is recognized that in some cases the level of intoxication may be so high that some procedures may be impracticable. Also, if an intoxicated driver becomes belligerent, it may become necessary to physically secure the offender to minimize the danger of injury to the public, the officer, and/or the offender.

DETECTION PHASE

67.1.01 An impaired driver may be detected in a variety of ways. Frequently, the Officer may first suspect the driver is intoxicated upon the initial face-to-face meeting after stopping the vehicle for some other reason. If the Officer suspects intoxication prior to the traffic stop, it is important that the Officer first

establishes Probable cause to stop/approach the offender during this phase. Probable cause to stop a vehicle may be established by the following means:

- The Officer observes a violation of State or local laws, or other violation, which gives the Officer cause to stop the vehicle for the purpose of investigation or to take enforcement action.
- The Officer locates the occupied vehicle based upon description from a citizen's complaint of erratic, improper, or reckless driving.
- The vehicle and/or occupants are suspected of involvement in a criminal act.
- The vehicle and/or driver has been, or is suspected of involvement in a recent traffic accident.

67.1.02 Regardless of the means by which the Officer comes in contact with an impaired driver, the Officer must establish reasonable suspicion to stop and investigate. The Officer shall note the indicators present and shall be able to articulate those factors in any subsequent arrest reports and/or court proceedings.

APPREHENSION PHASE

67.1.03 Once reasonable suspicion to stop a vehicle has been established, the Officer shall conduct a traffic stop in accordance with the provisions of Directive 66.1. Often, it is at this time the Officer may become suspicious that the driver may be impaired. The Officer shall observe the driver's actions and driving during this phase to gather further evidence to support an arrest.

INVESTIGATIVE PHASE

67.1.04 Once the vehicle has been stopped, the Officer shall approach with caution. The Officer will be alert to signs of intoxication due to alcohol and/or drug abuse. This investigative process is continuous as long as the Officer is in contact with the offender.

67.1.05 Upon the initial approach to the vehicle, the Officer should look into the vehicle interior for such plain view evidence as open containers of alcoholic beverages or narcotics or paraphernalia.

67.1.06 The Officer should request the driver's license, vehicle registration, and insurance card. The Officer shall be alert for the odor of alcoholic

beverages and shall note any physical characteristics indicating alcohol and/or drug abuse.

67.1.07 To establish the driver's mental and/or physical condition, and to further identify or eliminate the possibility of the driver being impaired by alcohol or drugs, ask him/her questions, such as:

- Where were you going?
- Where are you coming from?
- Are you ill or injured?
- Did you see a doctor or dentist today?
- When was the last time you slept?
- Have you been drinking? If so, what and how much?

67.1.08 While talking with the driver, observe his/her speech, any odor of alcoholic beverages on his/her breath, eyes (blood shot, pupil size, watery, etc.), coordination, in order to begin developing probable cause.

67.1.09 The answers to any/all of these questions is insufficient to establish probable cause. The following steps shall be utilized to develop and document probable cause of impairment.

- A.** Ask the driver to exit his/her vehicle, if not already out of the vehicle.
- B.** Observe the driver's balance and body coordination while exiting the vehicle, walking and standing.
- C.** Ask the driver to move to an area that is suitable for standing and/or walking, and free from the dangers of traffic.
 - 1. At night, select a location with good visibility.

67.1.10 If conditions warrant, the driver will be asked to take a Field Sobriety Test. If the driver agrees, the Officer shall carefully observe the driver's performance on the test and accurately record the results. The standard Field Sobriety Test shall consist of:

A. Horizontal Gaze Nystagmus Test:

1. 'Nystagmus' is the inability of the eye to follow the stimulus smoothly from side to

side, also referred to as 'lack of smooth pursuit.'

2. Only those Officers who have been trained in the procedure may administer the Horizontal Gaze Nystagmus Test.

B. Walk and Turn Test:

1. Have the driver stand with his/her hands down at their side and their heel touching their toe, right foot in front of left.
2. Have the driver remain in the above position, while you instruct the following:
 - a. Walk nine (9) steps heel-to-toe in a straight line, keeping their hands to their sides during the entire test.
 - b. Turn around using a pivoting motion, (small steps), with left foot remaining on the ground.
 - c. Return with nine (9) heel-to-toe steps in a straight line.
 - d. Ask the driver if he/she understands the test, if not re-explain the test to them.
3. Have the driver perform the test.
4. While administering this test, watch for the following clues of impairment:
 - a. The driver cannot maintain his/her balance and position during the instructional phase, and may even stumble out of this position.
 - b. The driver starts the test before being told to do so.
 - c. The driver raises his/her arms away from the body and uses them for balance.
 - d. The driver steps off of the straight line he/she was instructed to walk.
 - e. The driver stops walking during the test.
 - f. The driver does not pivot during the turn or does not turn around at all.
 - g. The driver does not touch his/her heel to their toe while walking.

- h. The driver takes the wrong number of steps.

5. If the driver exhibits two (2) or more of the above possible clues, the driver has failed this test. Record what possible clues the driver exhibited while performing this test.

C. One Leg Stand Test:

1. Have the driver stand with his/her hands down at their side and their heel touching their toe.
2. Have the driver remain in the above position, while you instruct the following:
 - a. The driver is to keep his/her hands down at his/her sides.
 - b. The driver is to extend his/her leg out straight in front of them, where the heel is approximately six (6) inches off the ground, toe pointing forward.
3. While extending their leg out, the driver is to count from one thousand one until told to stop at thirty (30) seconds.
4. Ask the driver if he/she understands the test, if not re-explain the test to them.
5. Have the driver perform the test.
6. While administering this test, watch for the following clues of impairment:
 - a. The driver cannot maintain his/her balance and position during the instructional phase, and may even stumble out of this position.
 - b. The driver starts the test before being told to do so.
 - c. The driver raises his/her arms for balance.
 - d. The driver sways from side to side while balancing.
 - e. The driver hops on the balancing foot.
 - f. The driver puts his/her foot down before thirty (30) seconds has elapsed.
7. If the driver exhibits two (2) or more of the above possible clues, the driver has failed

this test. Record what possible clues the driver exhibited while performing this test.

D. Counting Backwards Test:

1. Ask the driver his/her year of birth.
2. Using the year of birth as the first number, instruct the driver to count backward nine (9) numbers.
3. Ask the driver if he/she understands the test, if not re-explain the test to the driver.
4. While administering this test, look for the following clues of impairment:
 - a. The driver starts the test before being told to do so.
 - b. The driver counts forward instead of backwards.
 - c. The driver starts at the wrong number.
 - d. The driver counts back beyond nine numbers.
 - e. The driver skips numbers.
 - f. The driver completely miscounts or states random numbers.
5. If the driver exhibits two (2) or more of the above possible clues, the driver has failed this test. Record what possible clues the driver exhibited while performing this test.

NOTE: If the driver is impaired, i.e., disabled, injured, extremely intoxicated, etc., to the degree that he/she obviously cannot perform any of the above field tests without endangering their health or safety, then none of the above field tests need be administered.

E. Once Field Sobriety Tests have been completed and there is sufficient Probable Cause to arrest, the Officer shall arrest the driver for Driving Under the Influence of alcohol or drugs.

F. The driver's vehicle will be impounded or released to a second party in accordance with Directive 50.1.

G. The driver shall be transported to the Espanola Holding Facility, or, to the hospital should he/she require minor medical attention and/or is incapable of performing a

breath test, i.e., facial injury, physical disability or impairment, to complete booking/testing procedures needed prior to incarceration. (See Arrest procedures/Injured Prisoners)

1. If a Portable Breath Testing Device is available, the driver shall be tested at the arrest location

H. Upon administering a breath test or having a blood test administered at the hospital, the driver shall be advised of New Mexico Implied Consent, as follows:

1. You are under arrest for _____.
2. You are required by the New Mexico Implied Consent Law to submit to an alcohol content test.
3. If you refuse to take the test, your license will be revoked for one (1) year.
4. Do you agree to take the test?
5. If the driver refuses by stating "NO.", refuses to answer the question, i.e., asks for his attorney, changes the subject or remains silent, the Officer shall ask the driver the following questions:

- a. Do you understand that your refusal to take the alcohol content test will result in the revocation of your license for one (1) year?
- b. Do you still refuse to take the test?

6. If the driver still refuses, proceed directly to step 12.
7. If a breath test is to be administered, perform the following:

- a. The driver will be observed for a MINIMUM of twenty (20) minute depravation period. DO NOT permit the driver to use tobacco products, drink or put anything into their mouths. The observation period may include time the officer spent transporting the driver.
- b. Administer the breath test on the Department's breath testing machine.

- ONLY those officers who are certified in the use of the breath testing machine shall be permitted to administer the breath test.

- c. A copy of the breath testing machine's results shall be given to the driver.
- d. If the driver refuses to take the breath test, a copy of the breath-testing machine's 'refusal' shall be given to the driver.
- e. Log the test results or refusal in the "Instrument Log Book," along with all other necessary information.
8. Spanish version of the New Mexico Implied Consent:
 - a. Usted está arrestado por _____
 - b. La ley de Consentimiento Implícito de Nuevo México requiere que usted se someta a un análisis de aliento o de sangre para determinar el contenido de alcohol o de droga en su sangre. Yo seleccionaré el tipo de análisis que usted deberá tomar. ¿Usted está de acuerdo en someterse a estas pruebas?
 - c. IF YES

Usted tiene el derecho de ir con un doctor, enfermera certificada, un técnico de laboratorio o que trabaje en un hospital o doctor de su preferencia para que le hagan análisis químicos adicionales.
 - d. IF NO

Yo no puedo forzarlo a que se someta al análisis, pero si usted se niega usted perderá su licencia de conducir de Nuevo México o el privilegio de operador no residente por un año. Si usted es hallado culpable en una corte por haber conducido bajo la influencia de alcohol, usted también podrá recibir una sentencia más severa por haberse negado a someterse al análisis. ¿Usted comprende?
 - e. IF YES go to h.

- f. IF NO go to d. again
- g. Su derecho de hablar con un abogado o de permanecer en silencio no aplica al requisito de la ley de Nuevo México que indica que usted debe someterse a un análisis de aliento y/o de sangre.
- h. ¿Está usted de acuerdo en que se le haga el análisis?

IF YES proceed with test, then read c.
 IF NO or no response, or no adequate breath sample, go to i.

- i. Considero que su comportamiento indica que niega a someterse al análisis.

9. Based upon the breath test results, do the following:

- a. For a person 21 years of age or older:
 - .30 or above, the driver shall be transported to the hospital for medical clearance prior to incarceration.
 - .08 or above - proceed to step 12.
 - .06 to .07 - proceed to step 12.
 - .00 to .05 - Unless the arresting officer can clearly articulate facts to support probable cause to believe the driver is under the influence of alcohol or drugs, he/she will be released.
 - If the arresting officer has sufficient probable cause to believe the driver is under the influence of a substance that did not register during the breath test, he/she will transport the driver to an authorized medical facility to obtain a blood test and follow through with all applicable arrest procedures.
 - If the driver refuses to take the blood test, the officer will book the driver on a Refusal and complete the required paperwork.
- b. Under 21 years of age (Juveniles):
 - .02 or above - proceed to step 12.

- Below .02 - Unless the arresting officer can clearly articulate facts to support probable cause to believe the driver is under the influence of alcohol or drugs, he/she will be released.
- If the arresting officer has sufficient probable cause to believe the driver is under the influence of a substance that did not register during the breath test, he/she will transport the driver to an authorized medical facility to obtain a blood test and follow through with all applicable arrest procedures.
- If the driver refuses to take the blood test, the officer will book the driver on a Refusal and complete the required paperwork.
- Complete a statement of probable cause and refer to Directive 46.1, Juvenile Matters, for the proper booking/court notification procedures.

9. If a blood test kit is to be administered, ONLY a physician, licensed professional or practical nurse or laboratory technician or technologist employed by a hospital or physical SHALL administer the blood test kit.

10. Consent to search is also typically used to draw blood for blood alcohol and/or drug tests, however, if the person refuses to submit to the test, a search warrant must be obtained.

- a. If there is probable cause to believe the driver was under the influence of alcohol and/or drugs and the driver caused great bodily harm or death to another as a result of his operation of a motor vehicle while under the influence of alcohol and/or drugs, or this is the driver's fourth or subsequent DUI arrest, and the driver refuses to submit to a blood alcohol test, the officer shall seek and obtain a search warrant for the drawing of the blood sample.
- b. Once the search warrant is obtained, the blood may be taken even over the

objection of the driver. It is important to note that even if the officer eventually gets the blood sample as a result of a search warrant, the driver has still refused the test and the refusal may still be reported to the New Mexico Department of Motor Vehicles.

- c. Officers may no longer obtain the results of hospital blood tests for the purpose of determining probable cause. These tests are protected under the physician patient confidentiality.

11. Consent to search is required to draw bodily fluids or tissues, however, if the person refuses to submit, a search warrant must be obtained.
12. Seal the blood test kit, per the enclosed instructions, for forwarding to the Scientific Labs for analysis.
13. Complete the DUI Citation, following the instructions on the cover of the citation book.
14. Transport the driver to the Detention Center for processing.

DRAFTED(rgb) 08/09

TITLE: PATROL OPERATIONS**CODIFIED:** 68.1**EFFECTIVE:** 09/01/09**PAGES:** 26**PURPOSE**

The purpose of this directive is to provide policy and procedure for patrol functions within the Espanola Police Department's Patrol Services Division.

DISCUSSION

The most visible segment of the Department is the uniformed Patrol Officer. The Officer's appearance, demeanor, and actions are under constant scrutiny by the public. The patrol component provides those services most commonly associated with law enforcement.

One of the most important factors governing the successful outcome of any criminal investigation is the initial handling by the first officer on the scene. Notes, observations, evidence collection, witness identification, statements, suspect information, crime scene protection, taking charge and directing resources until properly relieved are all essential elements of the initial crime scene examination.

Although this directive primarily guides uniformed patrol operations, much of it is applicable to investigative functions as well as other components of the Department.

POLICY AND PROCEDURE**PRELIMINARY INVESTIGATIONS**

68.1.01 The preliminary investigation begins when an Officer becomes aware of or is assigned the responsibility of responding to a crime or other call for service.

68.1.02 The preliminary investigation continues until such time as the initially assigned officer reaches a

successful conclusion, or the postponement or transfer of responsibility will not jeopardize the successful conclusion of the investigation.

68.1.03 Preliminary Investigation usually includes:

- Providing aid or summoning aid to the injured;
- Processing the crime scene;
- Determining if an offense had actually occurred and if so, the exact nature of the offense;
- Determining the identity of the suspect(s) and effecting an arrest if it can be accomplished at the scene or through immediate pursuit;
- Furnishing other field units with descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles;
- Identifying witnesses;
- Obtaining preliminary information from witnesses;
- Ascertaining and reconstructing circumstances surrounding the incident;
- Arranging for collection of evidence;
- Obtaining written statements from victims, witnesses and suspects;
- Accurately and completely recording all pertinent information in proper form.
- In ALL instances where first aid is required prior to the ambulance's arrival, the officer shall perform ONLY that level of aid for which he/she has been trained and certified in.
- If CPR is necessary, the officer will perform CPR as needed and will do so with the CPR mask provided by the Espanola Police Department.
- Assigned officers, in all cases will do an 'Offense/Incident Report or a supplemental report, reporting the incident fully and accurately.
- ALL police personnel, regardless of rank, who enter a crime scene and/or have had any official involvement with the investigation, are required to submit a detailed supplemental report, at the direction of the On-Duty Patrol Commander or the commander in charge of the scene.

68.1.04 Officers shall write reports of their involvement in significant events such as automobile crashes, assisting other agencies, and similar incidents.

68.1.05 In unusually serious or complex crimes, the preliminary investigation may be conducted by specialists, i.e., Detectives,. These cases include, yet are not limited to:

- Homicides
- Fatal motor vehicle accidents
- At the discretion and/or direction of the specialized section unit commander, upon the request of the On-Duty Patrol Commander.

68.1.06 In all felony cases, the assigned patrol officer may be responsible for preparing a crime scene sketch, when directed to do so by the On-Duty Patrol Commander. The sketch should include the following:

- Dimensions,
- Relation of the crime scene to other buildings, geographical features and/or roads,
- Address, floor and/or room number as appropriate,
- Location of victim,
- Date and time of preparation,
- Names of the person(s) preparing the sketch,
- Direction of North,
- Location of items of physical evidence collected.

NOTE: A rough sketch should be made at the scene, so that a final drawing to scale can be made at a later time and/or date.

68.1.07 Officers shall comply with all constitutional requirements during criminal investigations. Special attention should be paid to the following:

A. Coercion or involuntary nature of any confession and/or admission. The use of threats, force, promises, etc., SHALL NOT be permitted to obtain any information from a suspect.

PROHIBITED ACTIVITIES AT A CRIME SCENE

- A. DO NOT touch, move or alter anything at the scene, unless absolutely necessary. If you do, RECORD ITS STATE before touching, moving, or altering, and record the fact that something was touched moved or altered.
- B. DO NOT use tobacco products within the secured crime scene area.
- C. DO NOT litter nor add anything into the crime scene area.
- D. DO NOT flush toilets nor run tap water in the sinks and/or bathtubs. If it has been done, RECORD IT.
- E. DO NOT release any information to anyone. This includes all media and newspaper inquiries. For further information, refer to the Directive entitled "Police Press Relations."
- F. DO NOT allow the News Media/Press to enter the secured crime scene area or to interfere with law enforcement operations at the crime scene.

NOTE: News Media representatives and their photographers are to be given access to situations that require their presence, such as scenes of major fires, natural disasters, or other such catastrophic events, and the perimeters of crime scenes. Media will be provided with adequate vantage points and accurate information for the proper reporting of the incident, provided they do not interfere with the law enforcement operations at the scene of the incident. Cooperation and coordination between the media and the police should assure fair and impartial reporting to the public.

- G. DO NOT move about within the secured crime scene area nor allow other persons to do so, unless it is absolutely necessary.

NOTE: IF YOU ARE NOT SURE if an activity is allowed or prohibited, ASK the On-Duty Patrol Commander.

ENTER INTO COMPUTER (EIC)

68.1.08 Enter Into the Computer (EIC) means the report will be made and entered in the department's computer system by

communications/dispatch personnel. The officer WILL NOT be required to submit a written report on the incident, however, he/she will be required to provide such information as necessary for communications/dispatch personnel to complete the EIC's narrative portion.

HOMICIDE

68.1.09 Preliminary Investigation Procedures

- A. Record date, type of call, case number and time call was dispatched.
- B. If first notification is received in person, detain this person for investigators, if the person is willing, if the person is unwilling to remain for some reason, obtain sufficient identification and information for the follow-up investigator. Notify communications of the call and the call's location.
- C. Proceed immediately to the assigned call's location.
- D. While enroute to the call, observe any pertinent information that may be related to the call, i.e., vehicles, suspects, witnesses and other possible victims.
- E. Upon arrival, record time and notify communications that you are at the scene.
- F. Enter the immediate crime scene area to view the victim.

NOTE: ONLY ONE OFFICER should enter the scene, using one path for entry and exit, unless there is some indication of the suspect(s) still being present. In that case, the officers entering must try not to disturb the scene while the focus must be on officer safety.

- G. Determine if the victim is dead or dying
- H. If there is possibility of life, summon an ambulance and administer appropriate first aid procedures. Record time ambulance was requested.
- I. If circumstances indicate the victim is near death or dying, attempt to obtain a Dying Declaration using the following procedure:

- 1. Ask the victim:
 - a. Do you believe you are about to die?
 - b. Do you have any hope of recovery?
 - c. Who injured you?
 - d. How did it happen?
 - e. What is your name?
 - f. Where do you live?
- J. ONLY in those instances where the answer to question (a) is "YES" and to question (b) is "NO" (or the equivalent) will the declaration be admissible.
- NOTE:** Whenever practical, the Dying Declaration should be tape-recorded.
- K. The backup officer will accompany the victim in the ambulance to the hospital to obtain a possible Dying Declaration of any statements made by the victim. This officer will also maintain control of the victim's clothing and property as evidence. The backup officer's patrol unit will remain at the scene and secured, prior to leaving with the ambulance.
- L. Notify the On-Duty Patrol Commander of the situation, if not already present.
- M. Detain the suspect, if present.
- N. If the ambulance crew was present before your arrival, determine if the crew or anyone else moved the victim or any items within the crime scene. If there were any items moved, record the following:
 - 1. What alterations were made?
 - 2. When the alterations were made?
 - 3. Purpose of the movement?
 - 4. Person who made the alteration?
- O. Record the names and ambulance number of the ambulance crew present at the scene.
- P. Exclude ALL persons, including police personnel who DO NOT have an official function at THE SCENE.
 - 1. Be careful not to chase off witnesses or the suspect, who may still be present.

2. If it is NECESSARY for a Doctor or Clergyman to enter the scene, they are to be escorted by an officer, in and out of the scene, and cautioned about touching or moving anything.

Q. If the suspect has fled the scene, initiate an "All Points Bulletin."

R. Attempt to identify the entire crime scene, including paths of entry and exit, and areas that may include evidence.

S. Secure and protect the scene, by establishing a perimeter using isolation and physical barriers such as ropes, cones, crime scene tape and other equipment as necessary. A video recording of persons present at the scene should be made as soon as practicable.

1. Request additional officers if needed to protect the crime scene.

T. Locate, identify and isolate any witnesses at the scene for investigators, to prevent witnesses from talking to each other.

U. Record any alterations to the crime scene that were made as a matter of investigative necessity. For example:

- Lights turned ON or OFF.
- Doors opened or closed, locked or unlocked.
- Victim moved.
- Windows opened or closed, locked or unlocked.
- Furniture moved or anything touched.
- Gas or heat/air conditioning turned OFF, appliances turned OFF, motor of vehicle turned ON or OFF.

V. Record names, addresses, dates of birth and telephone numbers, etc. of all persons present at the crime scene.

W. Attempt to obtain the victim's name and personal information.

X. Initiate and maintain a chronological log, recording the names and agencies of ALL persons entering the crime scene. In addition, record the names, addresses, etc. of ALL

civilians who may HAVE to enter the crime scene.

1. This log shall reflect the time of entry and exit for each person.

Y. Establish a path for entry and exit into the crime scene.

1. The path shall be a route that causes the least amount of contamination to the scene.

Z. Stand by for detectives.

AA. Upon arrival of the Case Agent/Detective, brief him/her of all information and what has occurred to this point.

BB. With the approval of the On-Duty Patrol Commander, assist detectives as necessary.

CRIMINAL SEXUAL PENETRATION

68.1.10 Preliminary investigation

A. If the ambulance crew was present before your arrival, determine if the crew or anyone else moved the victim or any items within the crime scene. If there were any items moved, record the following:

1. What alterations were made.
2. When the alterations were made.
3. Purpose of the movement.
4. Person who made the alteration.

B. Obtain the victim's clothing as evidence, if available, and package separately in paper bags.

1. If the victim is still wearing the clothing, advise her/him to bring another change of clothing and obtain the victim's clothing from the hospital.

C. If the victim is not to be transported by ambulance, take the victim to the hospital so the victim can be examined and a Sexual Assault Exam Kit administered, if the victim consents.

1. All juvenile victims shall be taken to the hospital, unless the parent(s) or guardian(s) refuse consent. If parents or guardians are not available the Children, Youth and Families Department, Social Services Division (CYFD) can refuse consent.

- 2. Upon arrival at the hospital, if the victim is a juvenile, contact shall be made with the juvenile's parent(s), guardian(s) or CYFD, if neither parent(s) or guardian(s) are available, nor contact has not already been made.
- D. The assigned Officers will attempt to locate, identify and isolate witnesses, if any. If witnesses are found, the assigned Officers shall obtain handwritten statements from each witness.
- E. The assigned Officer will record any alterations to the crime scene that were made as a matter of investigative necessity. For example:
 - 1. Lights turned ON or OFF.
 - 2. Doors opened or closed, locked or unlocked.
 - 3. Victim moved.
 - 4. Windows opened or closed, locked or unlocked.
 - 5. Furniture moved or anything touched.
 - 6. Gas or heat/air conditioning turned OFF, appliances turned OFF, motor of vehicle turned ON or OFF.
- F. The assigned Officer shall initiate and maintain a chronological log, recording the names and agencies of all persons entering the crime scene. In addition, record the names, addresses, etc. of all civilians who may have to enter the crime scene.
 - 1. This log shall reflect the time of entry and exit for each person.
- G. The assigned Officer shall provide any assistance requested by the Crime Scene Technician in processing the crime scene.
- H. The assigned Officer shall obtain a recorded statement from the victim, detailing the incident.
 - 1. If the victim appears to be or states that he/she is uncomfortable with an officer of the opposite sex, the On-Duty Patrol Commander shall be notified and the On-Duty Patrol Commander will attempt to provide an officer of the victim's same sex, so a statement can be obtained.
- I. Officers will obtain photographs of all visible injuries.
- 1. If photographs are to be taken at the hospital, the officer shall obtain a 'Consent to Photograph' form from the person being photographed. If the person is being treated by the hospital, attempt to obtain a 'Release of Medical Information' form from the person for follow-up investigation.
- J. Take physical custody of the completed Sexual Assault Exam Kit performed on the victim. Record the name of the doctor who administered the Sexual Assault Exam Kit, the date and the time you received the Sexual Assault Exam Kit.

ROBBERY

68.1.11 Preliminary Investigation

- A. The assigned Officers shall:
- B. Exclude all persons, including police personnel who do not have an official function at the scene.

NOTE: Be careful not to chase off witnesses or the suspect, who may still be present.

- C. Secure and protect the scene, by establishing a perimeter using isolation and physical barriers such as ropes, cones, crime scene tape and other equipment as necessary.
- D. Request additional officers if needed to protect the crime scene.
- E. Locate, identify and isolate witnesses, if any. If witnesses are found, obtain a handwritten statement from the victim(s).
- F. Obtain a verbal and handwritten statement from the victim(s).

NOTE: If the victim is a juvenile, an attempt shall be made to contact the juvenile's parent(s) or guardian(s) and notify them of the incident.

- G. If no Crime Scene Technician is available, the assigned Officer will process the crime scene by doing the following, if needed:
 - 1. Photograph the crime scene.
 - 2. Photograph physical evidence in place, prior to collection.
 - 3. Sketch the crime scene, to include measurements.
 - 4. Collect, package, label and retain all physical evidence.

- 5. Dust for latent fingerprints.
- H. In the event of a bank robbery, the detective will ensure that the FBI is notified of the incident. Upon the arrival of FBI personnel, the investigation will be turned over to them and the detective will assist as necessary to support the FBI's investigation.

AGGRAVATED BATTERY

68.1.12 Preliminary Investigation

- A. The assigned Officer shall exclude all persons, including police personnel who do not have an official function at the scene.
- B. The assigned Officer will secure and protect the scene, by establishing a perimeter using isolation and physical barriers such as ropes, cones, crime scene tape and other equipment as necessary.
- C. Request additional officers if needed to protect the crime scene.
- D. The assigned Officer will attempt to locate, identify and isolate witnesses, if any.
- E. If witnesses are found, the Officer shall obtain handwritten statements from each witness and from the victim, unless the victim's injuries or circumstances prohibit doing so, in which case a recorded statement will be taken.
 - 1. If the victim is taken to the hospital, the statement will be obtained there.
 - 2. If the victim is a juvenile, an attempt shall be made to contact the juvenile's parent(s) or guardian(s) and notify them of the incident.
- F. Obtain photographs of all visible injuries.
 - 1. If photographs are to be taken, the officer shall obtain a 'Consent to Photograph' form from the person being photographed. If the person is being treated by the hospital, attempt to obtain a 'Release of Medical Information' form from the person for follow-up investigation.
- G. Obtain victim's/suspect's clothing as evidence, if needed.
- H. If no Crime Scene Technician is available, the assigned Officer will process the crime scene by doing the following, if needed:

- 1. Photograph the crime scene.
- 2. Photograph physical evidence in place, prior to collection.
- 3. Sketch the crime scene, to include measurements.
- 4. Collect, package, label and retain all physical evidence.
- 5. Dust for latent fingerprints.

E. If the scene requires processing, the Officer will exclude all persons, including police personnel who do not have an official function at the scene.

F. The assigned Officer will attempt to identify the entire crime scene, including paths of entry and exit, and areas that may include evidence.

NOTE: Remember the possibility of multiple crime scenes.

G. The Officer will secure and protect the scene by establishing a perimeter using isolation and physical barriers such as ropes, cones, crime scene tape and other equipment as necessary and request additional officers if needed to protect the crime scene.

H. Locate, identify and isolate any witnesses at the scene for investigators, to prevent witnesses from talking to each other.

I. The Officer will record any alterations to the crime scene that were made as a matter of investigative necessity. For example:

1. Lights turned ON or OFF.
2. Doors opened or closed, locked or unlocked.
3. Victim moved.
4. Windows opened or closed, locked or unlocked.
5. Furniture moved or anything touched.
6. Gas or heat/air conditioning turned OFF, appliances turned OFF, motor of vehicle turned ON or OFF.
7. An Officer will be assigned to initiate and maintain a chronological log, recording the names and agencies of all persons entering the crime scene. In addition, record the names, addresses, etc. of all civilians who may have to enter the crime scene. This log shall reflect the time of entry and exit for each person.
8. The Officer will establish a path for entry and exit into the crime scene. The path shall be a route that causes the least amount of contamination to the scene.

9. Upon arrival of the Case Agent, brief him/her of all information and what has occurred to this point.

10. With the approval of the On-Duty Patrol Commander, assist detectives as necessary.

11. Prepare a complete, accurate and detailed report of all observations and actions by you.

NOTE: Refer to Directive 47.1 for further guidance.

BURGLARY/BREAKING AND ENTERING

68.1.15 Preliminary Investigation

A. If the victim and/or responsible party cannot be located, assess the scene, taking into account all presently available information and the condition of the scene, and determine if a reasonable person would believe that a burglary or breaking and entering has been committed.

B. If it has been determined that a burglary or breaking and entering has been or may have been committed, call for a Crime Scene Technician to assist. If no Crime Scene Technician is available, the scene will be processed as follow, as needed.

1. Attempt to locate point of entry and/or exit.
2. Photograph crime scene.
3. Sketch crime scene, to include measurements.
4. Collect, package, label and retain all physical evidence.
5. Photograph physical evidence in place, prior to collection.
6. Dust for latent fingerprints.

C. Obtain all information on property taken, to include:

1. Make/brand names.
2. Model numbers.
3. Serial numbers.
4. Identifying marks, features or inscriptions.
5. Color.
6. Size.

- 7. Material (cloth, leather, vinyl, metal, plastic, etc.).
- D. If a gun (handgun, rifle, etc.) was stolen and make, model, serial number and caliber is available, the gun shall be entered into NCIC.
- E. If the victim and/or responsible party were not contacted, a reasonable attempt will be made to secure the premises or vehicle.
- F. In all cases, leave a business card with the handling officer's name and case number.
- G. Attempt to locate and identify witnesses, if any. If witnesses are found, a handwritten or taped statement shall be obtained from each witness.
- H. Prepare a complete, accurate and detailed report of all observations and actions by you.

LARCENY

68.1.16 Preliminary Investigation

- A. Obtain all information on property taken, to include:
 - 1. Make/brand names.
 - 2. Model numbers.
 - 3. Serial numbers.
 - 4. Identifying marks, features or inscriptions.
 - 5. Color.
 - 6. Size.
 - 7. Material (cloth, leather, vinyl, metal, plastic, etc.).
 - 8. If a gun (handgun, rifle, etc.) was stolen and make, model, serial number and caliber is available, the gun shall be entered into NCIC.
 - 9. Collect, package, label and retain all physical evidence.
 - 10. If the total value of the item(s) taken does not exceed \$500.00, the victim and/or the responsible party shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if a suspect has been identified. This applies to all cases except when the officer witnesses the crime or a shoplifting.

- 11. Attempt to locate and identify witnesses, if any. If witnesses are found, a handwritten or taped statement shall be obtained from each witness.
- 12. Prepare a complete, accurate and detailed report of all observations and actions by you.

UNLAWFUL TAKING OF A MOTOR VEHICLE/ATTEMPT TO LOCATE MOTOR VEHICLES

68.1.17 Preliminary Investigation

- A. Contact the owner and/or the responsible party.

NOTE: The responsible party MUST have Power of Attorney from the vehicle's owner.

- B. Obtain the following information:
 - 1. Owner's and/or responsible party's name, if not the same, and personal information.
 - 2. Location of incident.
 - 3. Date and time of incident.
 - 4. Complete information on stolen vehicle.
 - 5. Suspect information and/or description.
 - 6. Suspect's present location and/or location of stolen vehicle, if known.
 - 7. Suspect's vehicle description, if any.
 - 8. Description of incident.
- C. The Stolen Vehicle Affidavit shall be completed and shall be signed by the owner and/or the responsible party.
- D. If the owner and/or responsible party is not available to sign a Stolen Vehicle Affidavit or the vehicle information is not available, initiate an 'Attempt to Locate' for said vehicle.
- E. Detain the suspect, if present.
- F. Initiate an "All Points Bulletin" for the stolen vehicle, to include suspect information, if available.

- G. Collect, package, label and retain all physical evidence.
- H. In all cases, leave a business card with the handling officer's name and case number.
- I. Attempt to locate and identify witnesses, if any. If witnesses are found, a handwritten or taped statement shall be obtained from each witness.
- J. The stolen vehicle shall be entered into NCIC.
- K. Prepare a complete, accurate and detailed report of all observations and actions by you.

**RECEIVING/POSSESSION/RECOVERY OF
STOLEN PROPERTY/MOTOR VEHICLE**

68.1.18 Preliminary Investigation

- A. Take possession of the property. If the property is not present, proceed to the property's location, if possible, and take possession of the property.
- B. Record the information from the property or vehicle, to include:
 - 1. Make/brand names.
 - 2. Model numbers/name
 - 3. Serial numbers/VIN number.
 - 4. Identifying marks, features or inscriptions.
 - 5. Color.
 - 6. Size, if applicable.
- C. Determine if the property/vehicle is stolen. This may include, but is not limited to the following:
 - 1. NCIC (National Crime Information Center).
 - 2. Police records, reports and hot sheets.
 - 3. Contact the owner, if known.
- D. If it cannot be determined that the property is stolen and it was received from a person claiming to be the property's owner, return said property to the person. Obtain this person's name and personal information.

NOTE: The property will be returned to the person that the property was taken from, unless that a third party claiming ownership has documented proof of ownership.

- E. If it cannot be determined that the property is stolen and no owner can be established, the

property will be taken into safekeeping, with the exception of abandoned vehicles.

- F. If the property is determined to be stolen, the following shall be done:
 - 1. If the property is valued over \$500.00, the property shall be taken as evidence or photographed and released with approval from the District Attorney's Office.
 - 2. If the property is valued under \$500.00, the property will be photographed and returned to the person providing proof of ownership.
 - 3. If the property is valued under \$500.00 and no owner can be established, the property shall be taken as evidence.
- G. If a vehicle:
 - 1. Ensure prompt notification of the recovery to:
 - a. the owner,
 - b. the reporting agency,
 - c. other appropriate persons.
- H. The vehicle and its contents are processed for any items of evidentiary value.
- I. The chain of evidence is maintained.
- J. The vehicle shall be released to the owner or his/her designee.
- K. If the owner or his/her designee is not available, the vehicle shall be impounded.
- L. If the property was determined to be stolen and was obtained from a person other than the complainant, and this person knows said property is stolen or has reason to believe said property to be stolen, detain him/her.
- M. Attempt to locate and identify witnesses, if any. If witnesses are found, a handwritten or taped statement shall be obtained from each witness.
- N. If the property/vehicle was in NCIC, remove the property/vehicle from NCIC or contact the ORI, so it may be removed.
- O. Prepare a complete, accurate and detailed report of all observations and actions by you.

ARSON/FIRE CALL**68.1.19 Preliminary Investigation**

- A. Ensure the Fire Department has been notified.
- B. If the Fire Department is not present, determine if any person(s) are in the immediate area of the fire and remove them to safety, if possible.
- C. Determine if anyone is injured, if someone is injured, and an ambulance is not present, ensure an ambulance is in route. Administer appropriate first aid procedures, as needed.
- D. The assigned officer should utilize, yet is not limited to: more police personnel; physical barriers; traffic cones; crime scene tape; the police vehicle to block the streets and intersections to re-route traffic and pedestrians away from the immediate area. The officer should coordinate his/her efforts with the needs and requirements of the Fire Department personnel and the public's safety at the scene.
- E. Locate and contact the owner and/or the responsible party, if possible. If the owner and/or responsible party is found, obtain his/her name and personal information for the Fire Department.
- F. Assist Fire Department personnel as needed.
 - 1. Ascertain if arson was committed, based upon the Fire Department's determination. If so, the On-Duty Patrol Commander shall be notified.
 - a. An EIC is permissible if there is no indication of arson.
 - b. A written report is required if the Fire Department Arson Investigator indicates that arson is suspected.

FORGERY**68.1.20 Preliminary Investigation**

- A. The original Forgery Affidavit(s) shall be taken as evidence.
- B. The original forged check(s) shall be taken as evidence, if available. Check(s) shall be packaged, labeled and retained, accordingly.

NOTE: Handle the check(s), prior to packaging them in a manner as not to destroy any latent fingerprint evidence.

- C. Detain the suspect, if present.
- D. If video tape/still frames of the suspect(s) were obtained, collect if readily available, if not, advise the victim and/or complainant to retain them for investigators.
- E. Collect, package, label and retain all physical evidence.
- F. Attempt to locate, identify and identify witnesses, if any. If witnesses are found, a verbal and/or handwritten statement shall be obtained from each witness.
- G. In all cases, leave a business card with the handling officer's name and case number.
- H. Prepare a complete, accurate and detailed report of all observations and actions by you.

FRAUD**68.1.21 Preliminary Investigation**

- A. Collect, package, label and retain all physical evidence.
- B. If the total value of the item(s) taken does not exceed \$500.00, the victim and/or the responsible party shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if the suspect has been identified. This applies to all cases except when the officer witnesses the crime.
- C. Attempt to locate, identify and identify witnesses, if any. If witnesses are found, a verbal and/or handwritten statement shall be obtained from each witness.
- D. Prepare a complete, accurate and detailed report of all observations and actions by you.

FRAUDULENT USE OF A CREDIT CARD/ATM CARD**68.1.22 Preliminary Investigation**

- A. Verify that the credit card(s) ATM card(s) are stolen with the credit card company/bank. If the card(s) have not been reported stolen to the credit

card company/bank, an attempt will be made to contact the victim from information obtained from the credit card company/bank, if possible.

- B. Collect, package, label and retain all physical evidence.
- C. If video tape/still frames of the suspect(s) were obtained, collect if readily available, if not, advise the victim and/or complainant to retain them for investigators.
- D. Attempt to locate, identify and identify witnesses, if any. If witnesses are found, a verbal and/or handwritten statement shall be obtained from each witness.
- E. In all cases, leave a business card with the handling officer's name and case number.
- F. Prepare a complete, accurate and detailed report of all observations and actions by you.

EMBEZZLEMENT

68.1.23 Preliminary Investigation

- A. Collect, package, label examine and retain all physical evidence.
- B. If the total value of the item(s) taken does not exceed \$500.00, the victim and/or the responsible party shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if the suspect has been identified. This applies to all cases except when the officer witnesses the crime.
- C. If the suspect(s) are present, read the suspect(s) their Miranda Warnings, and have the suspect(s) sign and initial the "Advise/Waiver of Constitutional Rights" form.

NOTE: If at ANY time the suspect(s) exercise the constitutional rights to an attorney, or to remain silent, ALL questions regarding the crime will STOP. For further direction, refer to the directive entitled "Administration of Miranda Warnings."

- D. Attempt to obtain a statement from the suspect(s) (verbal, written or recorded).
- E. Attempt to locate and identify witnesses, if any. If witnesses are found, a verbal and/or

handwritten statement shall be obtained from each witness.

- F. Prepare a complete, accurate and detailed report of all observations and actions by you.

WORTHLESS CHECKS

68.1.24 Preliminary Investigation

- A. If the check(s) involved were returned by the bank as "Account Closed" or "Insufficient Funds", a Worthless Check Packet from the District Attorney's Office shall be given to the victim and/or responsible party.
- B. In all cases, leave a business card with the handling officer's name and case number.

FALSE IMPRISONMENT

68.1.25 Preliminary Investigation

- A. If the crime occurred at the location where the complainant and/or victim were contacted, determine if the scene requires processing.
- B. If the crime occurred elsewhere, the BACKUP OFFICER will proceed, and locate the scene, if possible. The Officer will determine if the scene requires processing. If the scene cannot be located, the Officer shall immediately notify the On-Duty Patrol Commander.
- C. If the scene requires processing, the assigned Officer will exclude all person, including police personnel who do not have an official function at the scene.
- D. If the crime scene requires processing, and if no Crime Scene Technician is available, the assigned Officer will process the crime scene..
- E. A verbal and handwritten statement will be obtained from the victim(s).

NOTE: If the victim is a juvenile, an attempt shall be made to contact the juvenile's parent(s) or guardian(s) and notify them of the incident.

- F. Attempt to locate, and identify witnesses, if any. If witnesses are found, a verbal and/or handwritten statement shall be obtained from each witness.
- G. Prepare a complete, accurate and detailed report of all observations and actions by you.
- G.

CRIMINAL DAMAGE TO PROPERTY/GRAFFITI

68.1.26 Preliminary Investigation

- A.** If the victim and/or responsible party cannot be located, assess the scene, taking into account all presently available information and the condition of the scene, and determine if a reasonable person would believe that a criminal damage to property has been committed.
- B.** Obtain all information on property taken, to include:
 - 1. Make/brand names,
 - 2. Model and serial numbers.
 - 3. If a vehicle, all pertinent vehicle information.
- C.** Collect, package, label and retain all physical evidence.
- D.** If the total value of the item(s) damaged does not exceed \$1000.00, the victim and/or the responsible party shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if the suspect has been identified. This applies to all cases except when the officer witnesses the crime.
- E.** In all cases, leave a business card with the handling officer's name and case number.
- F.** Attempt to locate and identify witnesses, if any. If witnesses are found, a handwritten or taped statement shall be obtained from each witness.
- G.** Prepare a complete, accurate and detailed report of all observations and actions by you.

NARCOTICS/CONTROLLED SUBSTANCES VIOLATIONS

68.1.27 Preliminary Investigation

- A.** This Procedure shall be used ONLY after a suspected controlled substance has been located, regardless of the initial situation or assigned call.
- B.** If a felony arrest is to be made, prior to making the arrest, an attempt to field test the substance(s) shall be made.

- C.** Request additional officers, if needed. A minimum of one (1) backup officer shall be requested, if one is not already present.
- D.** Frisk and detain the suspect(s) and all other person(s) with the suspect(s). REFER TO DIRECTIVE 55.1 FOR PROCEDURES FOR STOP AND FRISK.
- E.** Identify all person(s) being detained, to include names and personal information.
- F.** The BACKUP OFFICER(S) will be responsible for controlling and observing all detained person(s).
- G.** All suspected controlled substances and/or drug paraphernalia shall be collected and noted as to where each item(s) was located, and should be photographed in place prior to collection.
- H.** For further direction, refer to the Department Directives entitled "Submission of Evidence, confiscated Property and Found Items and Collection and Preservation of Evidence."
- I.** If any of the collected items constitute a felony crime, the On-Duty Patrol Commander shall be notified.
- J.** All reasonable attempts will be made to identify the suspected controlled substance and the amount of the suspected controlled substance. (i.e., Field Test Kit, personal knowledge and observations, suspect(s) statements, etc.).
- K.** If the substance(s) cannot be identified, all detained person(s) will be released only if there are NO other pending criminal charges or Wants and Warrants for them.
- L.** IN ALL CASES, with the exception of misdemeanor possession of marijuana, the substance(s) shall be submitted to the New Mexico Department of Public Safety Crime Laboratory for analysis.
- M.** Prepare a complete, accurate and detailed report of all observations and actions by you.

CRIMINAL SEXUAL CONTACT

68.1.28 Preliminary Investigation

- A.** Contact the victim and ascertain if medical attention and/or assistance are necessary. If so, summon an ambulance and administer

appropriate first aid procedures. Record the time the ambulance was requested.

- B. Ascertain if the victim bathed, urinated or changed clothing since the incident occurred.
- C. If sexual penetration was achieved, refer to the Criminal Sexual Penetration Procedure.
- D. Record the names and ambulance number of the ambulance crew present at the scene.
- E. Obtain the victim's clothing as evidence if available.
- F. All juvenile victims shall be taken to the hospital, unless the parent(s), guardian(s) or the Juvenile Probation Officer, if neither parent(s) or guardians) are available, refuse consent.
- G. Upon arrival at the hospital, if the victim is a juvenile, contact shall be made with the juvenile's parent(s), guardian(s) or Juvenile Probation Officer, if neither parent(s) nor guardian(s) are available, and contact has not already been made.
- H. The BACKUP OFFICER will attempt to locate, identify and isolate witnesses, if any. If witnesses are found, the Officer shall obtain handwritten statements from each witness.
- I. The BACKUP OFFICER shall collect, package, label and retain all physical evidence, if any.
- J. The assigned Officer shall obtain a recorded statement from the victim, detailing the incident.
 - 1. If the victim appears to be or states that he/she is uncomfortable with an officer of the opposite sex, the On-Duty Patrol Commander shall be notified and the On-Duty Patrol Commander will attempt to provide an officer of the victim's same sex, so a statement can be obtained.
- K. The assigned Officer shall obtain photographs of all visible injuries.
 - 1. If photographs are to be taken, the officer shall obtain a 'Consent to Photograph' form from the person being photographed. If the person is being treated by the hospital, attempt to obtain a 'Release of Medical Information' form from the person for follow-up investigation.

- L. If the criminal sexual contact is a misdemeanor offense, the victim shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if the suspect(s) have been identified.
- M. In all cases, leave a business card with the handling officer's name and case number.
- N. Prepare a complete, accurate and detailed report of all observations and actions by you.

WEAPONS INFRACTIONS

68.1.29 Preliminary Investigation

- A. Detain the suspect(s) and all other person(s) with the suspect(s).
 - 1. Conduct a frisk for weapons if there is a reasonable articulable suspicion that a suspect is armed. REFER TO DIRECTIVE 55.1 FOR PROCEDURE.
- B. If it is determined that the weapons infraction is a felony offense, the On-Duty Patrol Commander shall be notified.
- C. Identify all person(s) being detained, including names and personal information.
- E. The BACKUP OFFICER(s) will be responsible for controlling and observing all detained person(s).
- E. All weapons shall be collected and noted as to where each weapon(s) was located.
- F. A check through NCIC shall be made on all weapon(s) found and on all person(s) being detained.
- G. If no arrest is to be made, the weapon(s) will be returned to the person(s) from whom they were received.
- H. Prepare a complete, accurate and detailed report of all observations and actions by you.

HOSTAGE SUBJECTS

SITUATIONS/BARRICADED

68.1.30 Preliminary Investigation

A. Request additional officers.

1. A minimum of one backup officer shall be requested, if one is not already present.
- B. The safety of the police, the hostage(s) and the public are the most important considerations in any hostage situation.
- C. Approach the scene with caution.
- D. Be aware of sniper fire and DO NOT use your siren when approaching the scene.
- E. The On-Duty Patrol Commander shall be immediately notified.
- F. Establish an inner perimeter to contain the suspect and location. Containment is the primary consideration at the onset of any tactical operation. Responsibility of the containment team is to assure the suspect is not allowed movement, which would compromise efforts to take the suspect into custody.
- G. Notification of a Special Weapons Team Commander and brief him/her of the situation requiring the deployment of the SWAT Team. Information as per avenues of ingress and location of Command Post and/or Staging Area should be provided upon initial contact, thereby reducing the amount of over the air radio transmissions.
- H. Establish an outer perimeter to assist in the redirection of traffic entering the target area. This is to include both vehicular and pedestrian traffic, to include members of the Media.
- I. Officers assigned to the outer perimeter will be required to place their vehicles in a manner, which would prohibit vehicular traffic from entering the secure area. Placement of the vehicles in this fashion would also serve as a deterrent to exiting the area should the target subject obtain a vehicle.
- J. Identification of an arrest team assigned to take control of the suspect should he/she suddenly surrender.
- K. Establish a Command Post, which is not in view of the target area, but remaining in close proximity.
1. Considerations in selecting a Command Post should include the availability of phones, restroom facilities, food and water.
2. The Command Post should accommodate personnel assigned to assist in the tactical operation, including but limited to SWAT Team members, Fire and ambulance personnel, hostage negotiators. All Administrative staff will remain at the Command Post and will communicate with Tactical Team personnel only through the S.W.A.T. Team Commander.
- L. Designation of an Officer assigned to the initial case for the purpose of maintaining a chronological log of all activities occurring at the scene, gathering of intelligence and coordinating radio communications prior to the arrival of the Special Weapons Team.
- M. Notification of Fire and Ambulance/Rescue personnel and confirmation of their estimated time of arrival to the command post.
- N. Notification of agencies sharing a common jurisdictional boundary with the City of Espanola.
- O. Identification of buildings surrounding the target which may require evacuation.

CHILD ABUSE/NEGLECT/EXPLOITATION

68.1.31 Preliminary Investigation

- A. Separate the victim(s) from the possible suspect(s).
- B. If the victim has a complaint of an injury and/or any visible injuries, the victim shall be taken to the hospital.

NOTE: Parental consent is NOT required for the victim to be medically treated, for photographs to be taken or to obtain any statements.

- C. If the victim was not taken to the hospital, the victim shall be taken to the police station.
- D. It shall be the assigned officer's responsibility to notify the Children, Youth, and Family Department (Social Services Division) (CYFD) of the situation and the actions taken by him/her immediately after.

NOTE: Record the date, time and the person's name that was contacted.

- E. The BACKUP OFFICER shall exclude all persons, including police personnel who do not have an official function at the scene.
- F. If the crime occurred at the location where the complainant and/or victim were contacted, determine if the scene requires processing.
- G. If the crime occurred elsewhere, the BACKUP OFFICER will proceed and locate the scene, if possible. The Officer will determine if the scene requires processing. If the scene cannot be located, the Officer shall immediately notify the On-Duty Patrol Commander.
- H. If it has been determined that the scene requires processing and no Crime Scene Technician is available, the BACKUP OFFICER will process the crime scene, by doing the following, if needed:
 - I. An Officer will be assigned to attempt to locate, identify and isolate witnesses, if any. If witnesses are found, the Officer shall obtain handwritten statements from each witness.
 - J. The CYFD shall be contacted and advised of the situation if the child is NOT removed, yet a suspicion exists that harm has or may occur. Notification SHALL be made within 24 hours to the CYFD.
 - 1. Record the date, time and the person's name that was contacted.
 - K. Obtain a recorded statement from the victim, unless the victim's injuries or circumstances prohibit doing so.
 - L. Obtain photographs of all visible injuries.
 - 1. If photographs are to be taken at the hospital, the officer shall obtain a 'Consent to Photograph' form from the CYFD. If the person is being treated by the hospital, attempt to obtain a 'Release of Medical Information' form from the person for follow-up investigation.
 - M. Obtain victim's/suspect's clothing as evidence, if needed.
 - N. Prepare a complete, accurate and detailed report of all observations and actions by you.

FRAUDULENT REFUSAL TO RETURN RENTAL/LEASED PROPERTY

68.1.32 Preliminary Investigation

- A. Determine if the victim and/or the responsible party has sent a certified letter to the suspect(s) at the address listed on the rental/lease agreement and if it has been at least 72 hours since it was mailed. If a certified letter has not been mailed, recommend he/she do so.
- B. If the total value of the item(s) taken does not exceed \$100.00 and is not a vehicle, the victim and/or the responsible party shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if the suspect(s) have been identified.
- C. Attempt to locate, identify and identify witnesses, if any. If witnesses are found, a verbal and/or handwritten statement shall be obtained from each witness.
- D. Prepare a complete, accurate and detailed report of all observations and actions by you.

CUSTODIAL INTERFERENCE

68.1.33 Preliminary Investigation

- A. Obtain a copy of the legal document granting the right of custody to the victim and/or complainant. If a copy is not available, obtain the original document so that a copy may be made and then return the document.
- B. Obtain the child's name, personal information and a current photograph of the child, if available.
- C. Obtain the child's present location, if known.
- D. If the child is present, determine if there is reason to believe that any person may attempt to take the child away from the person who has the right to custody of that child. If so, the child will be taken into temporary custody and the On-Duty Patrol Commander shall be notified, if not already present.
- E. If the child is not present, proceed to the child's location, if local and known.
- F. If the child is located, check on the child's welfare. Determine if any person will flee with the child without good cause and with the intent to deprive any person having the right of

custody of that child, permanently, or for an extended period of time. If so, the child will be taken into temporary custody and the On-Duty Patrol Commander shall be notified, if not already present.

G. If the child's location is not local, contact the agency which has jurisdiction (FBI, State or Municipal) in that area and request they perform the above.

H. If the child is not located, the child shall be entered into NCIC as missing, including any suspect information and/or suspect vehicle information.

I. If the child is taken into temporary custody, determine if the child is or has been a victim of child abuse, child neglect and/or exploitation:

1. If so, the officer shall take the child into custody and notify the CYFD.
2. If not, the child shall be placed with the person whose right of custody is being enforced, if available. If they are not available, the officer shall take the child into custody and notify the CYFD.

If the CYFD is notified, record the date, time and the person's name that was contacted.

J. In all cases when the child is located, obtain a recorded statement from the child, unless the child's injuries or circumstances prohibit doing so.

K. Prepare a complete, accurate and detailed report of all observations and actions by you.

MISDEMEANOR BATTERY

68.1.34 Preliminary Investigation

A. Obtain a handwritten statement from the victim, unless the victim's injuries or circumstances prohibit doing so, in which case a recorded statement will be taken.

1. If the victim is taken to the hospital, the statement will be obtained there.

B. If the victim is a juvenile, an attempt shall be made to contact the juvenile's parent(s) or guardian(s) and notify them of the incident.

C. Obtain photographs of all visible injuries.

1. If the person is being treated by the hospital, attempt to obtain a 'Release of Medical Information' form from the person for follow-up investigation.

D. Obtain victim's/suspect's clothing as evidence, if needed.

E. If the suspect(s) have been identified, the victim and/or the responsible party shall be referred to the Municipal or Magistrate Court for the purpose of filing a criminal complaint. This applies to all cases except when the officer witnesses the crime.

F. Prepare a complete, accurate and detailed report of all observations and actions by you.

MISDEMEANOR ASSAULT

68.1.35 Preliminary Investigation

A. Obtain a verbal and/or handwritten statement from the victim.

1. If the victim is a juvenile, an attempt shall be made to contact the juvenile's parent(s) or guardian(s) and notify them of the incident.

B. If the suspect(s) have been identified, the victim and/or the responsible party shall be referred to the Municipal or Magistrate Court for the purpose of filing a criminal complaint. This applies to all cases except when the officer witnesses the crime.

C. Prepare a complete, accurate and detailed report of all observations and actions by you.

SHOPLIFTING/FALESLY SERVICES

OBTAINING

68.1.36 Preliminary Investigation

A. Obtain all information on property taken, to include:

1. Make/brand names.
2. Model numbers.
3. Serial numbers.
4. Color
5. Value.

- B. Obtain a copy of the "Store Theft/Loss Prevention Report."
 - 1. Non-departmental forms, i.e., store reports, trespass statements, etc., SHALL NEVER be signed by the officer, with the exception of a receipt for property taken as evidence.
- C. If the total value of the item(s) taken exceeds \$500.00, use the "Larceny" Standard Operating Procedure for felony larceny.
- D. If the total value of the item(s) taken does not exceed \$250.00, you shall have the following options:
 - 1. Issue the suspect(s) a Uniform Non-Traffic (Misdemeanor) Citation, in conformity with Directive 4.1.
 - 2. Arrest the suspect(s) and have the victim and/or the responsible party sign a Municipal Criminal Complaint form.
- E. If the suspect(s) are juveniles, you shall have the following options:
 - 1. Release and/or refer the juvenile(s) to the Juvenile Probation Office.
 - 2. Counsel and release the juvenile(s) to their parents or guardian.
 - 3. Arrest the juvenile suspect(s).
- F. In all cases where the total value of the item(s) taken does not exceed \$250.00, the item(s) will remain with the victim and/or responsible party.
- G. In all cases, leave a business card with the handling officer's name and case number.
- H. Prepare a complete, accurate and detailed report of all observations and actions by you.

UNATTENDED DEATHS/SUICIDES

68.1.37 Preliminary Investigation

- A. Enter the immediate scene to view the victim.
 - 1. ONLY ONE OFFICER should enter the scene, using one path for entry and exit.
- B. Determine if the victim is dead or dying.
- C. If there is possibility of life, summon an ambulance and administer appropriate first aid

procedures. Record time ambulance was requested.

- D. Notify the On-Duty Patrol Commander of the situation, if not already present.
- E. Record the names and ambulance number of the ambulance crew present at the scene.
- F. Determine, using all current and available information, if the incident is a homicide, suicide or unattended death.
- G. IN ALL CASES where there is any doubt as to the cause of death (homicide, suicide or unattended death), IMMEDIATELY STOP, secure the scene and notify the On-Duty Patrol Commander. The On-Duty Patrol Commander will then make the determination and decide if the Investigation's Section needs to be notified.
- H. If a homicide refer to the "Homicide" Procedure.
- I. If an unattended death, obtain the following information:
 - 1. Victim's name and personal information.
 - 2. Victim's Doctor's information.
 - 3. Possible cause of death.
 - 4. Date and time victim was found dead.
 - 5. Name and personal information of the person who first discovered the victim.
 - 6. Next of Kin's name and personal information, if available.
 - 7. Description of incident.
- J. If a suicide, obtain the following information:
 - 1. Victim's name and personal information.
 - 2. Apparent cause of death, i.e., self-inflicted gun shot wound, drug overdose, etc
 - 3. Date and time victim was found dead.
 - 4. Name and personal information of the person who first discovered the victim.
 - 5. Date and time victim was last seen or heard from alive.
 - 6. Name and personal information of the person who last saw or heard from the victim alive, if available.

- 7. Mental state of the victim prior to the incident, i.e., depressed, angry, etc., if known.
- 8. Take possession of the suicide note, if any and if possible.
- 9. Next of Kin's name and personal information, if available.
- 10. Description of incident.

K. If a suicide, the assigned Officer shall photograph the victim, the scene, and any and all possible evidence.

L. IN ALL CASES, notify the OMI. Record the time he/she was notified.

M. If a suicide, the BACKUP OFFICER will attempt to locate, identify and isolate witnesses, if any. If witnesses are found, the Officer shall obtain handwritten or taped statements from each witness.

N. Upon the OMI's arrival, brief him/her of all information and what has occurred to this point. Record the OMI's name and time of arrival.

O. Assist the OMI, as needed.

NOTE: The OMI has custody/control of the victim's body and all physical evidence in or on the body.

- P.** If no Crime Scene Technician is available, the assigned Officer will process the crime scene, by doing the following, if needed:
- Q.** Prepare a complete, accurate and detailed report of all observations and actions by you.

GANG ACTIVITY

68.1.38 Preliminary Investigation

- A.** This Procedure shall be used when there is gang related activity and probable cause or reasonable suspicion that a crime has been committed or about to be committed. These suspicions or the probable cause must be explained in your report.
- B.** Identify all involved persons, including their names and personal information.

- C.** Identify any vehicle(s) involved, including all pertinent vehicle information, i.e., make, model, color, license plate number, etc.
- D.** A check through NCIC shall be made on all persons and/or vehicles identified above, for any Wants and/or Warrants.

RESIDENTIAL/COMMERCIAL ALARMS

68.1.39 Preliminary Investigation

- A.** Stand by for the arrival of the backup officer. If available
- B.** Upon the arrival of the backup officer, check the premises for any open doors/windows and/or signs of forcible entry.

AMBULANCE ASSIST

68.1.40 Preliminary Investigation

- A.** Assist ambulance personnel as needed.
- B.** If additional patrol officers are required, the On-Duty Patrol Commander shall be notified.
- C.** E.I.C. is allowed if there is no reason to believe a criminal act has occurred.

OPEN DOORS/WINDOWS

68.1.41 Preliminary Investigation

- A.** Determine if entry can be gained into the premises through the open door and/or window.
- B.** Check for signs of damage and/or forcible entry.
- C.** An attempt shall be made to contact the responsible party.
- D.** If entry can be gained, a check of the interior of the premises will be made.
- E.** If anyone is found on the premises, determine if they have a legal right to be there.
- F.** If no responsible party can be located:
 - 1.** A reasonable attempt will be made to secure the premises. A business card shall be left with the officer's name and actions taken by you.

G The information shall be passed on to the oncoming shift, which will be responsible for maintaining a 'Close Patrol' and attempting to notify the responsible party.

LOUD PARTY/MUSIC

68.1.42 Preliminary Investigation

- A.** Contact the responsible person at the party's location or where the music is coming from.
- B.** Obtain the responsible person's name and personal information.
- C.** Inform the responsible person of the complaint.
- D.** If this is the first complaint received regarding the loud party and/or music, request the responsible person to lower the noise level and/or control his/her guests.
- E.** If this is a second or subsequent complaint, the On-Duty Patrol Commander shall be notified and the appropriate enforcement action will be taken.

NOTE: Nothing in this Standard Procedure prevents the officer from taking the appropriate enforcement action on the first complaint regarding the loud party and/or music, depending upon the circumstances.

CIVIL STANDBY

68.1.43 Preliminary Investigation

NOTE: This Procedure DOES NOT apply to any repossessions or civil disputes. It only applies to domestic disputes.

- A.** ONLY necessary items (i.e., clothing, medication, baby food, children's clothing, etc.) will be taken from the premises.
- B.** Inform the complainant that any items where ownership is in dispute, shall remain on the premises.
- C.** Inform ALL parties involved that your ONLY purpose for being present is to maintain order and keep the peace.

- D.** Prior to leaving the premises, refer ALL parties involved to the Rio Arriba County Sheriffs or Santa Fe County Sheriffs Office for any further assistance.

WELFARE CHECK

68.1.44 Preliminary Investigation

- A.** Proceed to the location of the welfare check.
- B.** Attempt to make contact with the person whose welfare is to be checked.
- C.** If no one is contacted, check for signs of foul play and/or unusual circumstances, i.e., broken or open windows, unusual odors, blood, etc.
- D.** Check the location for any vehicles that may belong to the person whose welfare is being checked. Also check with any neighbors for any additional information.
- E.** If entry is determined to be necessary, based on information provided and with the approval of the On-Duty Patrol Commander, the following steps will be taken:
 - 1.** Attempt to obtain a key to the residence from the responsible party, the landlord, a relative, etc.
 - 2.** Look for any open windows, unlocked doors, etc.
 - 3.** The last resort is to break into the residence, causing as little damage as possible, i.e., a small door window, bathroom window, etc.
- F.** If forced entry was necessary and no one is found inside the residence, every effort will be made to re-secure the residence as best as can be done. Photographs of the damage SHALL be taken and all damage noted in the police report. An Offense/Incident Report shall be mandatory if this action is necessary.
- G.** The complainant will be notified of your findings.

SUSPICIOUS PERSON/VEHICLE/ACTIVITY

68.1.45 Preliminary Investigation

- A.** Check the area for the suspicious person/vehicle/activity.

- B. If a person(s) are located, follow the procedures for a field interview stop as outlined in directive 68.1.66.
- C. If a report is not written, based on your findings and with the approval from the On-Duty Patrol Commander, record the person(s) and/or vehicle information on a Field Contact Card.
- D. Reports may be required in areas where similar cases are occurring regularly.

DISORDERLY CONDUCT AND OTHER MUNICIPAL LAW VIOLATIONS

68.1.46 Preliminary Investigations

- A. If the offense was witnessed by the officer, the officer shall take whatever enforcement action he/she deems necessary and/or appropriate.
- B. If the offense was not witnessed by the officer, the victim and/or responsible party shall be referred to Municipal or Magistrate Court for the purpose of filing a criminal complaint, if the suspect(s) have been identified.
- C. In all cases, leave a business card with the handling officer's name and case number.
- D. Prepare a complete, accurate and detailed report of all observations and actions by you.

MENTAL HOLD

68.1.47 Preliminary Investigation

- A. After a determination has been made by the officer that the subject(s) needs to be seen by a physician or other mental health care specialist, the officer may detain and transport a person for emergency mental health evaluation and care in the absence of a legally valid order from the court only if:
 1. The person is otherwise subject to lawful arrest;
 2. The peace officer has reasonable grounds to believe the person has just attempted suicide;
 3. The peace officer, based upon his own observation and investigation, has reasonable grounds to believe that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate

detention is necessary to prevent such harm. Immediately upon arrival at the evaluation facility, the peace officer shall be interviewed by the admitting physician or his designee.

- B. The subject shall be transported to a hospital or mental health facility for a mental evaluation.
- C. A licensed physician or a certified psychologist must certify that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm. Such certification shall constitute authority to transport the person.
- D. If the subject(s) are violent, they will be transported by an ambulance, if possible.
- E. For transport, refer to 'Transport Procedures/Mental Holds' Standard Operating Procedure for further guidance.
- F. Prepare a complete, accurate and detailed report of all observations and actions by you.

PROTECTIVE CUSTODY

68.1.48 As per New Mexico State Statute 43-2-18:

- A. A peace officer or public service officer may transport an intoxicated person to his residence when it appears to the peace officer or public service officer that the intoxicated person will thereby become orderly and able to care for his own safety.
- B. A peace officer or public service officer may transport an intoxicated person to the nearest health care facility within the county when it appears to the peace officer or public service officer that the intoxicated person is unable to care for his own safety or in need of medical attention.
- C. A peace officer or public service officer may transport to the city or county jail an intoxicated person who has become disorderly when it appears that the intoxicated person:
 1. Has no residence in the county in which he is apprehended; or
 2. Is unable to care for his own safety; or

3. Constitutes a danger to others if not transported to the jail.
4. **DOES NOT APPLY TO DWI SITUATIONS.**

UNLAWFUL USE OF THE TELEPHONE

68.1.49 Preliminary Investigation

- A. In all cases, refer the victim and/or the responsible party to their phone service provider for further assistance. The victim may also be able to trace a call by pressing *57 immediately after hanging up from the call and the telephone number of the line used by that caller will be forwarded to a Qwest Security Center.
- B. In all cases, leave a business card with the handling officer's name and case number.
- C. If the suspect(s) have been identified, the victim and/or the responsible party shall be referred to the Municipal or Magistrate Court for the purpose of filing a criminal complaint. This applies to all cases except when the officer witnesses the crime.

MAJOR CRIME SCENES

68.1.50 Such scenes include, yet are not limited to: All major felonies; incidents of a volatile nature that may escalate into larger scale disturbances; any incident involving suspects believed to possess diplomatic immunity; all scenes involving government officials which may cause attention to be directed at the Police Department; all scenes in which officers are accused of excessive force; all scenes in which the use of force has injured an officer; all scenes in which an officer has injured a crime a citizen.

- A. Upon receiving notification of a major felony offense, the On-Duty Patrol Commander will immediately proceed to the assigned call's location.
- B. Assess the situation and determine the immediate manpower and equipment needs.
- C. Delegate manpower and equipment to assure compliance with departmental procedures.
- D. Make the following notifications, either by telephone, in person, beeper/pager, police radio or the On-Call list, as needed:

1. Contact a Detective Commander and inform him/her of the need for a detective.
2. NOTE: If a Detective Commander declines the request for a detective and the On-Duty Patrol Commander still sees the need for a detective, the On-Duty Patrol Commander will contact the next commander in the Detective's chain of command.
3. Deputy Chief of Police or designee, if directed by the Lieutenant.
4. On-Call Assistant District Attorney.
5. On-Call Juvenile Probation Officer.
6. Office of the Medical Investigator (OMI).
 - a. This office shall be notified any time there is a homicide, unattended death, suicide, etc. Notification may be made by the officer on the scene, a detective or radio communications personnel, at the discretion of the On-Duty Patrol Commander.
7. Crime Scene Technician.
 - a. If the Crime Scene Technician is not on duty and is called out, the On-Duty Patrol commander will notify on call Detective at the first reasonable opportunity and inform him/her of the call out.
8. Rape Crisis Center.
9. Ensure notification has been made to Next-of Kin.
10. Other agencies/departments.
11. Press Information Officer or designee.
12. News Media/Press.
 - a. Notification of the news media shall fall under the guidelines of the Directive entitled "Police Press Relations."
- E. Brief/debrief police personnel at the crime scene, as needed.
- F. Ensure all required reports/supplemental reports are submitted by patrol personnel.

BRIEFING/ROLL CALL

68.1.51 Briefing will begin promptly as follows:

- Day Shift.....6:00 AM
- Swing Shift.....12:00 PM
- Mid Shift.....6:00 PM
- Night Shift.....9:00 PM

A. Ensure that all patrol personnel scheduled to work are present.

B. Patrol officers will be briefed on the following information, which has been posted since the last briefing session:

1. Special Orders.
2. Hot Sheets.
3. Stolen Vehicle Reports.
4. Special Assignments, or changes in schedules.
5. Recent Parolees.
6. Any pertinent teletypes.
7. Departmental BOLO's from the previous shift.
8. New directives and/or changes in any directives.
9. Any special problems/hazards for that shift or a particular area
10. Training Bulletins.

C The following assignments will be made:

1. Area Assignments:
 - a. Officers will be assigned to a specific area.
 - b. Criteria to be considered for the assignment of officers to areas/beats should include, but are not limited to:

Manpower

- The area's workload (Calls for Service), based upon CAD (Computer Aided Dispatching) statistics, Hot Sheet Information and first hand knowledge.

- Special problems, hazardous areas and special assignments.

- Shift being worked (time of day, day of week, etc.).

Weather conditions (snow, rain, etc.).

- Areas may be subject to change based upon any change in the above criteria.

c. This does not prohibit officers from handling 'Calls for Service' in other areas as the need exists.

2. Lunch Hours:

- a. Ensure that a lunch period is scheduled for each employee if the time permits. (per union contract)
- b. Lunch hours may be altered during the course of the shift, as needed.
- c. No last hour lunch periods shall be scheduled on a regular basis.
- d. Commanders/supervisors should be cognizant of officers not congregating in one location.

D. Evaluate the officer's readiness to assume patrol.

INTER-DEPARTMENTAL COMMUNICATIONS

68.1.53 The patrol division should encourage and support the exchange of information with specialized and support sections for the purpose of coordinating performance. This may include, but is not limited to the following:

- A. The attendance of patrol supervisors at the Investigations Section briefings/roll call and vice versa.
- B. The exchange of daily bulletins, i.e., Hot Sheets, Inter-Departmental correspondence .
- C. Staffing of new divisional directives, allowing the review of such directives by supervisors in other division and/or sections and/or units.

FACILITIES

BOND COLLECTION

68.1.56 Bonds are posted at the appropriate court during regular hours unless the following occurs:

- A.** Municipal bonds will be taken after normal business hours, weekends and holidays at the Espanola Detention Facility via money order ONLY.
- B.** Magistrate bonds will be posted at the Rio Arriba County Sheriffs Department or Santa Fe County Sheriffs Department after normal business hours, weekends and holidays.

FOLLOW-UP INVESTIGATIONS

68.1.57 Where practicable, the Officer shall follow-up the investigation until all leads are exhausted.

68.1.58 Supplemental reports will be submitted detailing the progress of the investigation until the case is solved or inactivated.

68.1.59 In certain instances the follow-up responsibility may be assigned to another Officer, such as:

- When the initial investigation is conducted by an officer out of his/her normally assigned area/district, the Officer who is responsible for the area will be responsible for the follow-up investigation;
- When the follow-up investigation would require the Officer to travel an excessive distance from his/her assigned area and remain for extended period;
- When an investigator or superior responds to the scene and assumes investigative responsibility.

ARRESTS

68.1.60 Arrested subjects shall be handcuffed in accordance with Directive 58.1, Restraint and Transportation of Prisoners.

68.1.61 Arrested subjects shall be searched in accordance with Directive 55.1, Search and Seizure.

68.1.62 Arrested subjects who are not processed into Espanola Holding Facility shall be released on in accordance with Directive 4.1, Limits of Authority.

68.1.63 Arrested subjects shall be read their Miranda Rights and a response indicating they understood them elicited prior to any questioning

concerning any criminal offense in which the arrested subject is suspect.

68.1.64 When the arrested subject is to be processed into the Espanola Holding Facility:

- A complaint affidavit shall be completed and delivered with the arrested subject.
- Booking authority form completed.

FIELD INTERVIEW AND FI CARDS (FIC)

68.1.65 Field interviews are intended to deprive actual and potential offenders of some of their initiative in selecting the time, place and circumstances for the commission of their crimes. A valid field interview situation should follow the below criteria to prevent misuse and to avoid adverse citizen reactions. All field interviews should be documented on the departmental field interview cards, and, when circumstances dictate, an offense/incident report shall be completed.

A. A valid field interview stop should be based on a reasonable suspicion that a suspect has committed, is committing, or is about to commit a crime. This reasonable suspicion must be based upon rational and articulate facts, which may be less than probable cause, but must be more than just a feeling or hunch. The Espanola Police Department recommends that several of the following factors be present when justifying a stop:

1. Presence in an area which is usually not frequented at that time of day.
2. High crime area.
3. Presence in an area that does not fit routine activity in the area.
4. Nervousness.
5. Flighty manner of movements.
6. Known drug-trafficking area.
7. Hand movement (as if attempting to conceal an item(s)).
8. Eyewitness information
9. Information received from a concerned citizen.

10. CI information.
11. Co-defendant information.
12. Personal knowledge of the defendant's drug use.
13. Defendant's statement.
14. Other suspicions (must be listed on FI card).
be documented on FI card).

B. On a field interview stop, the officer may request the suspect's name, address and an explanation of his/her actions. The suspect may be detained for a reasonable amount of time. A detention on less than probable cause should be brief. You may detain a person only so long as you are diligently pursuing a means of investigation that is likely to confirm or dispel your suspicion quickly. You may not detain a person longer than is necessary to accomplish the legitimate purpose of the stop. If the suspect won't say anything, or tells you he/she won't give you any information, the officer may not force or otherwise compel the person to divulge the requested information. There must be articulate reasons to distinguish the suspect from someone else who may just happened to have been in that location.

NOTE: An anonymous tip by itself is not sufficient to establish reasonable suspicion, nor is simply being present in a high crime area.

C. Whenever a field interview card has been completed, the card shall be turned over to Investigations as a reference.

CLOSE PATROL

68.1.66 Close patrols consist of the assigned area unit periodically monitoring the location in an effort to identify activity believed to be other than normal at the specified location. Close patrols shall only be assigned when urgently required, and are subject to officer availability. They are not to be expected at regular intervals.

**TITLE: CRIMINAL INVESTIGATION
PROCEDURES**

CODIFIED: 69.1

EFFECTIVE: 09/01/09

PAGES: 49

PURPOSE

The purpose of this directive is to provide policy and general procedures for the conduct of the investigative function.

DISCUSSION

The investigative function is a necessary requirement to solving crime. Investigations begin upon the first notification that a crime may have been committed. Investigations end when the case is solved and the perpetrator is arrested, prosecuted or the case is otherwise satisfactorily resolved. Cooperation is vital to effective investigative efforts.

POLICY

It is the policy of the Department to utilize the integrated resources of the investigative and patrol functions to arrest, convict perpetrators, and to recover stolen property.

PROCEDURE

69.1.01 Duties and Responsibility

A. Section Commander

1. The Investigations Section is Commanded by a Sergeant who is responsible for investigation of major criminal activity, juvenile offenses, narcotic offenses, and the gathering intelligence information.

1.

B. Goals and Objectives

1. The sergeant will review the goals and objectives each year and will submit a report to the Deputy Chief containing their recommendations for the updating of the Units goals and objectives.
2. The Sergeant will provide the Deputy Chief a written evaluation on a quarterly basis of each year as to the progress of the unit in reaching the established goals and objectives.

C. Monthly/Weekly Reports

1. The Sergeant is responsible to ensure that each detective under his/her command submits a monthly activity report covering the types of cases they were assigned, how many were cleared and how many arrests were made.
2. The Sergeant is responsible for ensuring that each detective under his/her command submits a weekly activity report detailing the detective's activities. Reports may be submitted prior to briefing on the first day of the following week if extenuating circumstances exist (sickness, overtime, etc.) and the detective is not going on days off. This will require supervisor approval on a case by case basis.

D. Reports

1. The Sergeant is responsible for the review and approval of all reports generated by detectives under their command and to take corrective actions as necessary to ensure these reports are clear, concise and accurate.

69.1.02 Preliminary Investigations

A. Detectives of the Criminal Investigations Section will conduct preliminary investigations as required. These investigations will include:

1. Document all observations of events that occur, conditions that exist, and remarks made while conducting a preliminary investigation.
2. Locating and identifying victims and witnesses.

- 3. Interviewing complainants and witnesses.
- 4. Interrogating suspects.
- 5. Arranging for the collection of evidence.
- 6. Arresting those identified as criminally involved.
- 7. Reporting the incident fully and completely.

B. Detectives should refer to their unit's Procedures for further details.

69.1.03 Follow-up Investigations

A. Detectives of the Criminal Investigations Section will conduct follow-up investigations as required and will ensure that these investigations include (when necessary):

- 1. A review and analysis of all previously prepared reports on the incident.
- 2. Conduct additional interviews and interrogations as required.
- 3. Review departmental records.
- 4. Seek additional information from Uniformed Officers and Informants.
- 5. Review results of laboratory examinations.
- 6. Arrange for the dissemination of information as appropriate.
- 7. Plan for, organize, and conduct searches.
- 8. Prepare the case for court presentation.
- 9. Assist the prosecution.
- 10. Identify and apprehend suspects.
- 11. Collect physical evidence.
- 12. Determine the involvement of suspects in other crimes.
- 13. Check suspect's criminal history.

69.1.04 Case Assignments for Follow Up

A. Cases will be assigned for follow-up based on the nature of the case and the expertise required. It is the Department's intent to utilize the best-qualified detective available to investigate the case. It shall be the responsibility of the unit supervisor to ensure that cases are

assigned to qualified personnel or to ensure assistance is provided to new detectives who are in training.

- B. The Detective assigned to the follow up investigation of a case will be considered the principal investigator or case coordinator.
- C. This Detective will be responsible for the overall investigation of the case and will be considered the lead investigator when more than one Detective is assigned to investigate the same incident.
- D. The Unit Commander will determine whether a case will be followed up and the manpower resources, which will be allocated to the case. This decision will be based on the supervisor's assignment priority assessment, the case load of the unit, and the seriousness of the incident.

69.1.05 Case Assignment

A. The Unit Commander, upon reading a report, shall assign a priority rating based upon the gravity of the offense, probability of solution, and urgency of action. The following point values shall be used in the assignment of cases:

- 1. Gravity of Offense
 - a. Felony..... 3
 - b. Misdemeanor 2
 - c. Victimless Crime..... 1

NOTE: Victimless Crimes refers to reports made to this departments by persons other than the actual crime victim in which the identity of the victim is unknown and can not be determined.

- d. Status Offense..... 1

NOTE: Status Offenses refer to reports of missing persons and runaways.

- 2. Probability of Solution
 - a. Suspects named..... 3
 - b. Suspects known..... 2
 - c. Suspects described..... 1
 - d. Vehicle can be identified by license...2

- e. Vehicle can be identified by description.....1
- f. Witnesses' ability to assist in solution of case.....1
- g. Eyewitness(s).....2
- h. Physical Evidence, excluding prints....2
- i. Fingerprint1
- j. Trace-ability of property.....1
- 3. Urgency of Action
 - a. Danger to others.....3
 - b. Immediate action required.....2
 - c. Pattern/frequency of crime.....1
- 4. Supervisory Judgment
 - a. Departmental Policy.....1
 - b. Totality of circumstances.....1
 - c. Investigator's case load.....1
 - d. Personal background and experience.....1
- 5. Cases will be given the following designation based upon the total number of points assigned to a case:
 - a. Suspect is jailed or placed in juvenile detention and case filing is required..... A, with court-imposed time deadlines.
 - b. 10 or more points.....B
 - c. 6-9 pointsAttention
 - d. Less than 6 points.....Not Assigned (unless deemed necessary by the Unit Commander)
 - e. Status Offenses.....S (Runaway/Missing Person)
- 6. Investigative reports are required within the following time line:
 - a. A.....8 days
 - b. B.....20 days
- c. Attention/not assigned.....30 days
- d. S.....Case to remain active until reclassified.
- B. Cases assigned an attention designation shall be assigned and maintained by the investigator for six months. If at any point the investigator develops additional information that enables him/her to work the case, the case can be opened and the unit commander shall be notified. The assigned investigator will review cases, from time to time for similar MOs that may assist in clearance of the case. Contact with the victim will be made within five (5) days of assignment. If contact can not be made in person or by phone within five (5) days, a departmental form letter will be sent.
- C. If after six months and a review of the case no additional information can be obtained, the case will be placed in abeyance.
- D. The unit commander will maintain cases not assigned in a file for six months. Contact with the victim will be made within five (5) days. If contact can not be made in person or by phone within five (5) days, a departmental form letter will be sent. If new information is developed, the case may be assigned.
- E. If after six months and a review of the case no additional information can be obtained, the case will be placed in abeyance.

69.1.06 Cases of criminal activity reported to the Espanola Police Department will be administratively categorized as follows to determine if additional investigation is required.

- A. Active - A case is considered active/open if additional follow up investigation needs to be accomplished.
- B. Inactive - A case is considered inactive or suspended if there is no additional follow up investigation possible, however, the case has not been resolved.
- C. Closed - A case has been investigated to its resolution.

69.1.07 In addition to the above categories used to determine case status the following sub-

categories are also used within the Case Management System:

- A. Unfounded - The facts reveal that the alleged criminal offense did not take place. Cleared by Arrest - A suspect has been arrested as a result of the investigation.
- B. Exceptionally Cleared - The case is satisfactorily resolved and routed to the District Attorney without an arrest being made.
- C. Prosecution Waived - The victim has been contacted and does not desire further action or prosecution in the incident.

69.1.08 During the course of an investigation in which a solution has not yet been obtained, the suspension of investigative efforts must be considered. In determining whether investigative efforts should be suspended, the following factors should be considered.

- A. Is there a lack of further leads or solvability factors?
- B. Are there enough investigative resources available to justify continued investigation?
- C. How serious is this case compared to the overall caseload?
- D. Prior to the suspension of an investigation, the case will be reviewed by the unit supervisor to ensure that suspension is appropriate.

69.1.09 Each time a detective is assigned to follow up on a case, the supervisor making this assignment must ensure that the assignment is recorded in order to identify who is the assigned detective for future reference.

- A. To record this assignment the supervisor must enter the Espanola Police Departments Computer System. Once entry is gained the supervisor should go into Case Assignment section of the Case Management System. At that time, the case number is noted, along with the type of case, the detective assigned to the follow up and the date the assignment is made.

69.1.10 For Case Assignment

- A. All cases involving felony criminal activity will be assigned to the Criminal Investigation Section for follow up.
- B. Cases involving misdemeanor criminal activity can be assigned to Detectives for follow up on a case by case basis. These cases will normally be assigned as "Walk in Complaints," in which the Detective will assist a victim of a misdemeanor to file charges in Municipal Court, or when due to its frequency, public attention, and potential for escalation into a felony situation is likely. For example a series of misdemeanor assaults occurring in the down town area in which it is highly likely that only one person is responsible. Misdemeanors may also be assigned based on the Supervisory Priority assessment, giving consideration to the investigator's caseload.
- C. Normally, Patrol Officers will be assigned to conduct preliminary investigations. Detectives will be assigned to preliminary investigations based on the seriousness and frequency of the crime, and when deemed necessary based on the shortage of Uniformed Patrol manpower during emergency situations.

69.1.11 Case Files

- A. Upon receipt of a case assigned for follow up investigation, the investigator is responsible for initiation and maintenance of a case file. The case file is to contain copies of the following reports, when applicable:
 - 1. Original Crime Report
 - 2. Supplemental Investigation Reports
 - 3. Criminal Records of Suspect(s)
 - 4. Laboratory Reports
 - 5. Witness and Suspect's Statements
 - 6. Affidavits and Copies of Search and Arrest Warrants
 - 7. Advisement of Rights
 - 8. Consent to Search
 - 9. Any other documents that were generated or have direct bearing on the investigation.

- B. All Originals will be forwarded to Records with the exception of statements which will be handled as follows:
- C. Misdemeanor case statements will be attached to the original report and will be maintained by Records. Felony case statements that are hand written or tapes, will be submitted into evidence.
- D. Access to case files housed in the Investigation Section is limited to personnel within the Section. Other police personnel having a need to access the files are to do so under the direct supervision of an Investigation Section Supervisor.
- E. The Investigation Section will maintain case files for a period of two years. After that the case files will be transferred to Records for assimilation into permanent records, with the exception of unresolved homicides that will be maintained until solved.

69.1.12 On Call Commander

- A. Due to the fact the Criminal Investigations Section personnel work from 0800 to 2300 hours, Monday through Saturday, an on-call commander will be assigned as a contact person for requests of CIS assistance after the working hours. The "On Call Commander List" will assure proper coverage and staffing for hours not covered by a normal work period. The following procedures will be followed in order to maintain this coverage.
- B. A schedule will be maintained of Criminal Investigation Section Unit commanders designating one as the 'On Call Commander' (Monday, 2300 hours to the following Monday 0800 hours). The responsibility for being 'On Call Commander' will be rotated between these unit commanders.
- C. During the time that a unit commander is the designated on call commander, he/she must maintain 24-hour a day communications with the Santa Fe Police Department through Police Radio, Telephone or departmental issued pager or cell phone.
- D. Upon being notified of a request by Uniformed Patrol Commander for Criminal Investigations

Section personnel, the 'On Call Commander' must evaluate the request to determine if the incident is serious enough to require immediate Criminal Investigation Section response. If it is determined that Criminal Investigation Section personnel should be activated, he/she will ensure that a Detective is notified of the incident and directed to proceed to the scene and handle the investigation.

- E. If the "On Call Commander" determines that the request by the Patrol Commander does not require Criminal Investigation Section Personnel activation, he/she will inform the commander of the reasons why. If the Patrol Commander still feels that Criminal Investigation Section personnel should be activated, he/she should contact the Criminal Investigation Section Commander with his/her request.
- F. If upon the activation of the 'On Call Detectives' it is determined that additional Criminal Investigation Section Personnel or Crime Scene Technicians should be activated, he/she shall make the appropriate notifications. It should be noted that when additional Criminal Investigation Section personnel are required, it is desirable, when possible to assign personnel from the appropriate unit based on the nature of the crime.
- G. The 'On Call Commander' is required to be able to respond to any incident, in person, and as necessary within 45 minutes of being notified. He/she must also be in a physical condition to perform his/her duties as a supervisor. The consumption of alcoholic beverages is strictly prohibited while in an "On Call Status."

69.1.13 Crime Scene Technicians/ Evidence-Crime Scene

- A. Crime Scene Technicians will process and document the crime scene.
 - 1. They will assist in the security and preservation of the scene.
 - 2. They will document the scene using both a sketch and photography.
 - 3. They will collect and preserve physical evidence utilizing recognized, established techniques.

4. They will utilize the evidence logbook as assigned.

5. For evidence collection procedures, refer to directive entitled "Collection and Preservation of Evidence".

B. The Crime Scene Unit vehicle fleet consists of the following:

1. Normal, daily usage units
2. Mobile Command Post (if needed)
3. Both categories maintain equipment necessary to:
 - a. Develop and recover latent fingerprints
 - b. Cast tire, foot and tool mark impressions
 - c. Photograph
 - d. Sketch the scene
 - e. Collect and preserve physical evidence

4. The crime scene response units can carry additional equipment, to include:

- a. ladder
- b. generator
- c. lighting system
- d. additional, specialized equipment

C. A written report will be completed by the Crime Scene Technician, which will include:

1. "Why" or "Why Not", photographs were taken of the scene.
2. "Why or "Why Not", physical evidence was/was not collected.

D. Following the completion of processing and documenting of the scene, an effort will be made, whenever available, to obtain standards for use in comparisons of trace evidence collected.

E. When completing a crime scene sketch, the following elements must be included:

1. dimensions
2. Relation of the crime scene to other buildings, geographical features or roads.
3. Address, floor or room numbers as appropriate.
4. Location of significant features of the scene, including the victim.
5. Date and time of preparation.
6. Name of the person(s) preparing the sketch.
7. Direction of north.
8. Location of items of physical evidence recovered.

F. Photographs will be made of the crime scene, prior to the collection of physical evidence, or the processing of the crime scene for: latent fingerprints, or trace evidence, or the casting of tire, foot, or tool impressions. Once the overall scene has been photographed, specific items identified as evidence, or latent fingerprints located or developed, will then be photographed utilizing established, recognized techniques.

1. Overall shots: depicting the relationship of the crime scene to the surrounding area.
2. Mid-range shots depicting items of evidence and their location within the crime scene.
3. Close-up shots depicting a detailed view of the single piece of evidence.
4. Evidence shots depicting a detailed view of the single piece of evidence with a scale included.

G. Crime Scene Technicians will submit and request laboratory examinations on latent fingerprints only. All other physical evidence will be submitted and an examination will be requested by other personnel responding i.e. patrol officer or investigating case agent, as circumstances dictate.

H. All items of evidence will be listed within the evidence log book, or on an evidence tag, to include the following items:

1. Description of the item (including make, model number and serial number, if any);

- 2. Source (from whom or location which obtained); and
- 3. Name of person collecting the item or items.
- I. The Crime Scene Technician responsible for processing a scene will prepare a written report. This report will provide an accurate record of the technician's activities at the scene, in the event of a trial. The report will contain the following information:
 - 1. Date and time request for service was received;
 - 2. The investigating patrol officer or case agent;
 - 3. Case file reference number;
 - 4. Date and time of arrival at the scene;
 - 5. Location of the crime;
 - 6. Name of victim, if known;
 - 7. Name of suspect, if known;
 - 8. Action taken at the scene including the number of photographs taken, crime scene measurements taken, and a listing of latent fingerprint evidence recovered;
 - 9. Other physical evidence recovered; and
 - 10. Disposition of physical evidence and exposed film.
- J. When evidentiary photographs or video-graphs are made at a scene, the following information will be included in a report written at the time the photographs were taken:
 - 1. date,
 - 2. time,
 - 3. location,
 - 4. case number,
 - 5. name of photographer, and
 - 6. names of other officers who viewed the scene photographed.
- K. Whenever a transfer of physical evidence is made, a written record will be completed to include:
 - 1. date and time of transfer,
 - 2. receiving person's name and functional responsibility,
 - 3. reason for transfer,
 - 4. name and location of the laboratory, synopsis of the event, and examination desired, when transferred to a laboratory not within the agency,
 - 5. transferring person's name.
- L. Latent fingerprints will be submitted for examination to the automated fingerprint identification system, at the New Mexico Crime Laboratory. The latent fingerprints will be examined by Crime Scene Technicians for quality, prior to submission to the laboratory. Written documentation will be filed, upon submission, to include:
 - 1. name of individual last having custody of the item,
 - 2. date and time of submission or mailing and method used for transmission,
 - 3. date and time of receipt in the laboratory,
 - 4. name and signature of the person in the laboratory receiving the evidence.
- M. The Investigations Unit shall on a regular basis transfer to Crime Scene Unit, fingerprint cards of juveniles arrested. The cards will be examined for quality and transmitted by Crime Scene Unit technicians to the New Mexico State Crime Laboratory for submission into the automated fingerprint identification system. The fingerprint cards will then be returned upon completion of examination and entry.
- N. Crime Scene Unit technicians have available advanced training schedules and training bulletins from outside schools/agencies. Technicians may submit request(s) to attend the school(s) for their continuing education, through appropriate chain of command.
- O. When a determination has been made by the on scene commander that a Crime Scene Technician is required, a technician will be notified to respond only after it has been cleared through that CST's Chain of Command.

P. The primary function of the Crime Scene Technician at a crime scene is to process and document the scene. The technician will collect and preserve the physical evidence. The technician, as a civilian, cannot be responsible for the primary protection and security of the scene.

Q. In non-major cases, in which no case agent arrives to assume overall responsibility or no detective is assigned, the first responding patrol officer will secure the scene and protect known physical evidence. Upon arrival of the crime scene technician, the patrol officer will brief the technician as to the known circumstances.

R. The patrol officer will provide primary security of the scene, while the technician assumes responsibility for the scene and processes, documents, collects, preserves, and submits any physical evidence.

S. In major crime scenes in which a case agent has been designated as "in-charge of", the Crime Scene Technician will proceed according to the dictates of the case agent. In most cases, the technician will perform the primary tasks of a crime scene technician.

T. This will also pertain to the operations of a technician when a patrol supervisor is present at a non-major crime(s) scene, or at a major crime(s) scene with an investigative supervisor present, in the capacity of supervisor to the assigned case agent. For a non-major crime scene, particularly property crimes, the first arriving patrol officer will make a determination if a crime scene technician is required. The patrol officer will request the presence of a technician, through the communications section of the Police Department. A patrol supervisor/commander may also request that a technician respond.

U. For a major crime(s) scene the case agent or investigative supervisor will request the dispatch of a technician.

69.1.14 Latent Fingerprint Examinations

A. Crime Scene Unit Technicians who are fingerprint examiners, will:

1. Provide "classifications" of fingerprints.
2. Examine and render opinion(s) as to the identification of a fingerprint.
3. Before providing a written opinion as to the identification of fingerprints, the technician conducting the examination will have another fingerprint examiner of the Crime Scene Unit or other agency qualified latent print examiner, render a verbal opinion to confirm/deny the identification made by the original examiner.

69.1.15 Crime Scene Vehicles

A. A full size vehicle is assigned to the Crime Scene Unit as regular vehicle, less lights and siren, to provide daily use availability. This will assure availability for immediate response to crime scenes.

B. This vehicle responds only to process crime scenes. The vehicle does not respond to in-progress calls. It is neither authorized for emergency response nor is it suitably equipped.

C. Each technician from the Crime Scene Unit is responsible for maintaining vehicle condition and scheduled service.

D. The vehicle will carry the following items:

1. Fingerprint kit(s) for field development of latent fingerprints and inked elimination fingerprint kits.
2. 35mm Crime Scene Technician camera kits, including tripod and 1:1 adapter.
3. Plaster or similar substance casting kits for foot, tire tracks.
4. Evidence collection containers: bags - plastic and paper; hard-sided evidence containers of various sizes.
5. Protective clothing: one piece coveralls, cloth and disposable paper; rubber gloves to include protection from body fluid; foot gear, dust mask.
6. Rechargeable flashlight units.
7. Portable flood lamp unit.

- 8. Temperature sensitive items and equipment requiring charges, are not kept in daily use vehicles. These items are maintained in locked areas at police department, with access restricted to crime scene technicians and detectives from Violent Crimes Section.
- 9. The daily use vehicles are equipped with spare tire, and jack.
- 10. Radio communications is accomplished by utilizing hand-held radios only.

E. Persons authorized to operate the crime scene vehicles are:

1. Crime scene technicians having valid class D drivers license.
2. Detectives capable of using the equipment and having valid class D drivers license.

69.1.15 Crime Scene Equipment

A. In order to allow for the complete and accurate investigation of crime scenes, the Espanola Police Department maintains specialized equipment and processes that can be utilized during the course of the investigation. Below is a list of items readily available within the Espanola Police Department for use at Crime Scene Investigations and is not intended to indicate when an investigator must use a specific piece of equipment or process. The listed items should be considered during the investigation of a crime scene, however, none of these items must always be used as each and every crime scene is a separate and unique event.

1. Small Particle Reagent Kit: In the event that the examination for an obtaining of latent prints is desirable on a wet surface or during a rainstorm, Small Particle Reagent should be considered. In addition Small Particle Reagent can be used to obtain Latent Prints on such surfaces as greasy windows, concrete and coarse or rusty iron. To operate or use this product, follow the instructions enclosed.
2. Electrostatic Dust Print Lifter: During the course of an investigation, foot prints or tire

prints may be located that are in dust. By using the Electrostatic Dust Print Lifter, these prints can be recovered. Some surfaces that this unit can be used on are; floors, doors, fabric, cardboard, human skin and concrete. To operate or use this product, follow the instructions enclosed.

3. Ultra Violet Lamp: During the course of sexual assault cases, testing for the presence or absence of semen may be important. An Ultra Violet Lamp can be used in locating trace evidence at a crime scene, such as small particles of fiber, paint or glass.
4. Micro Seal: During the course of an investigation, tool marks may be located that need to be recovered for future examination. In incidents where the item which had the tool marks on it is too large or impractical to take as evidence, the use of Micro Seal will enable the investigator to recover the tool marks. To operate or use this product, follow the instructions enclosed.
5. Plaster Casting Kit: During the course of an investigation, tire prints and foot (shoe) prints may be discovered. The Plaster Casting Kit can be used to recover these impressions for later examination.
6. Snow Print Wax: During periods where tire prints and foot (shoe) prints are located in which the impressions are in snow, normal casting techniques with a Plaster Casting Kit will not work. However, preparing the impression with snow print wax will allow the recovery of these impressions in conjunction with the Plaster Casting Kit. To operate or use this product, follow the instructions enclosed.
7. Crime Scene Vacuum: During the course of an investigation a search for trace evidence may become necessary. In order to collect this trace evidence, the investigator may decide to use a Crime Scene Vacuum. This vacuum will collect the trace evidence from an area and keep it in a separate chamber for collection by the

investigator. To operate or use this product, follow the instructions enclosed.

8. Debris Screens: During the course of an investigation in which small items, such as projectiles, are the object of a search in a dirt area, the investigator may decide to use Debris Screens to sift through this dirt material to locate the item.
9. Dental Eye Camera: During the course of an investigation, photographic documentation of very small items may be necessary. In such cases, the use of the Dental Eye Camera should be considered. To operate or use this product, follow the instructions enclosed.
10. Number Restoration Discaps: During the course of an investigation, it may become necessary to restore numbers (such as serial numbers) which have been filed down or otherwise defaced. Under such circumstances, the investigator may consider the use of Number Restoration Discaps, which can be used to restore numbers on steel, aluminum, copper and plastic.
11. Luminol: During the course of an investigation, it may be necessary to investigate for the possible presence of invisible blood at a crime scene. In order to do so, the use of Luminol, which will become luminous in contact with blood, can be considered. To operate or use this product, follow the instructions enclosed.
12. Cyanoacrylate (Superglue): During the course of an investigation, the development of latent prints in a large area, or on normally difficult items, may be considered. In such an event, the use of Cyanoacrylate (Superglue) may be considered. To operate or use this product, follow the instructions enclosed.
13. Luma-Lite 2000A (Alternate Light Source). During the course of an investigation it may be necessary to use an alternate light source to assist in the detection of bodily fluid stains

or latent fingerprint. To operate or use this product follow the instructions enclosed.

69.1.16 District Attorney Case Dismissals & Commander Review

- A. On occasion, cases that have been sent to the District Attorney's Office through a Referral Letter will be dismissed or declined for prosecution by that office. When this occurs, a disposition report noting this decision is returned. This report is also referred to as a "Follow-up Request Report." A copy of this report should also be provided to the appropriate unit commander for his information and action.
1. Whenever a Unit Commander receives a Letter of Dismissal or Declined Prosecution on a case investigated by investigators under his command, he/she shall review the case. This review should be made to:
 - a. Ensure that a complete investigation has been done by the assigned investigator.
 - b. Determine why, if the investigation is complete, the District Attorney's Office refused to prosecute the case.
2. The purpose of this review is twofold:
 - a. To alert the commander to an inadequate investigation by one of his subordinate investigators so that corrective action can take place.
 - b. To ensure that, if a complete investigation has been done, the reasons for dismissals are known.
3. It should be noted that this review is not to be considered "blame placing" or "finger pointing." It is designed to improve both (1) the investigation and (2) the understanding of the District Attorney's policies concerning the prosecution of cases.
4. In addition this review procedure is to be used to:
 - a. Determine conflicts in policy between the Espanola Police Department and District Attorney's Office that need to be addressed and corrected.

- b. Determine possible areas in training that need to be addressed department wide, which will be referred to the Training Officer.

69.1.17 Background Investigations

- A. During the course of a criminal investigation, it may become necessary to do a background investigation into a person(s) involved in the case. When a background investigation is to be done, the reasons for this investigation will be included in the investigator's report. When this situation arises, the following guidelines will be used:
 - 1. Potential sources for this type of investigation include, but are not limited to:
 - a. Financial institutions
 - b. Past employers
 - c. N.C.I.C. Triple I reports
 - d. Past and present friends of the person under investigation
 - e. Other law enforcement agencies
 - f. Public service companies
 - g. Telephone companies.
 - It should be noted that on some occasions search warrants or subpoenas may be required.
 - 2. The information collected during a background investigation should be used during the investigation of the criminal case and included in the investigator's report.
 - 3. Information gained during a background investigation will be closely guarded and distributed only to law enforcement agencies or prosecutors as needed. This information should not be considered public information.
 - 4. Once the criminal investigation and prosecution have been completed, the information gained through the background investigation will be destroyed with the approval of the District Attorney's Office. It should be noted that these background investigations are case specific and not to be

confused with the efforts of any other C.I.D. Unit.

69.1.18 Joint Roll-Call Meetings

- A. In order to provide for better communications between patrol and Criminal Investigations personnel, the following procedures will be followed:
 - 1. Members of the Criminal Investigations Section will attend the Swing Shift briefing of Patrol Units to:
 - a. Advise patrol of the types of crimes that are the present priorities being investigated by the units and how the patrol officers can assist in the investigations.
 - b. Listen to what the patrol officers are observing in the field and how it could relate to on-going criminal activity.
 - c. Provide two-way communication between patrol and criminal investigation personnel on problems that are arising.
 - 2. On an as need basis investigators will provide information to patrol personnel concerning specific vehicles and persons being sought in ongoing investigations. They will also distribute composites of unknown suspects whom they are trying to identify.

69.1.19 Preparation of Case Plan

- A. In order to assure that complicated investigations are organized, coordinated and efficient, it will be the policy of the Espanola Police Department to prepare and obtain approval of a case plan before such investigations begin.
- B. A Case Plan will be required any time Espanola Police personnel engage in pro-active enforcement programs, activities involving money expenditures, the extended use of manpower/equipment, and operations that take place outside the jurisdiction of the Espanola Police Department or involve multiple agencies. (This does not include administrative activities that take place outside the

jurisdiction of this department such as transports or arrests.)

- C. A Case Plan is a written document which contains the following information:
 - 1. An explanation of the nature of the operation and its goals.
 - 2. The names, addresses and dates of birth of all identified targets of the operation, including photographs when available.
 - 3. The location(s) where the operation is to take place.
 - 4. The make, model, year, color and license number of all vehicles as they relate to the targets.
 - 5. The names of all departmental personnel involved in the operation and their assignment.
 - 6. Police Department numbers of all informants used in the operation.
 - 7. An estimate of the funds to be expended during the operation, both contingency and informant funds.
 - 8. An estimate of the man hours to be expended during the operation.
 - 9. The dates and times of the operation.
 - 10. The names of all outside agencies and the names of the personnel involved in the operation.
- D. The Case Plan will be prepared by the Case/Agent Investigator assigned to the incident. Once the case plan has been prepared, it will be approved through the department chain of Command, Unit Commander, Criminal Investigations Section Commander, and Chief's Office when applicable. At that time, the Case Plan can be implemented.

69.1.20 Contingency Funds

- A. The Criminal Investigations Section maintains an account known as contingency funds which provide monies for special circumstances during the course of daily operations. The contingency funds will be maintained and

controlled by the Criminal Investigations Section Lieutenant.

- B. Members of the Espanola Police Department who desire to use monies from contingency funds must contact the sergeant in charge of the fund and then complete and get approval of a case plan prior to obtaining funds.
- C. The contingency funds of the Espanola Police Department are provided for use during the investigation of criminal activities and are used for the following purposes:
 - 1. The making of cash payments to confidential informants for information that furthers the investigative and law enforcement efforts of the department.
 - 2. The making of cash payments for the purchase of controlled substances in connection with the investigation of narcotic violations.
 - 3. The making of cash payments for the purchase of stolen property in the connection with the investigation of property crime violations.
- D. The Investigations Section Sergeant/Lieutenant is responsible for overseeing the use of the contingency funds. The Investigations Section Sergeant is responsible for maintaining the accountability of the actual monies expended.
- E. Once a case plan has been approved, a confidential expenditure voucher will be prepared. This voucher will be signed by both the detective involved and the Sergeant/Lieutenant in charge of the fund being used.
- F. The monies and a receipt will then be issued. The original receipt will be turned over to the detective. It will be attached to the expenditure voucher and maintained in the detective's file. A copy of this receipt will be maintained by the sergeant in the records of contingency expenditures for the fund.
- G. In all situations in which an expenditure is for \$1000.00 or more prior approval will be required from the Chief of Police or his/her designee.

H. An entry directing this expenditure will be placed in the contingency fund ledger. This entry will include the date, detective, case number, amount of money involved, receipt date, the account's balance and the Lieutenant's signature.

I. Once the monies have been turned over to the detective involved, payment must be made within the working day as follows:

1. Once monies have been issued, a payment voucher will be used to verify the payment. This voucher will be signed by the Confidential Informant, the detective making the payment, any witnesses to the transaction, and the supervisor present when the transaction is made. A copy of this payment voucher will be maintained by the detective involved and one will be attached to the expenditure voucher and retained by the Lieutenant in charge of the contingency fund used.
2. In the event that payment of contingency funds cannot be made within the working day, these funds must be turned back in to the Lieutenant who issued them as follows:
 - a. When the detective turns in funds, the sergeant will provide him with a receipt. This receipt will note the amount of money turned in, the detective involved, case number and the signature of the Lieutenant.
 - b. A copy of the return receipt will be attached to the Confidential Expenditure Voucher along with the receipt issued when the funds were issued.
 - c. The return will be entered into the expenditure ledger with the balance reflecting its return.

J. Due to the need for accountability, the contingency fund records will be audited to ensure they are being used within the guidelines established by departmental policy.

K. On a monthly basis, the Sergeant/Lieutenant in charge of any contingency fund will submit to the Deputy Chief a monthly expenditure report which recaps all transactions made during the month.

L. After receiving the monthly expenditure reports, the Captain will reconcile the reports, auditing the expenditures and submit a report to the Chief of Police.

M. On at least a quarterly basis, each contingency fund will be audited by the Budget Section Supervisor or his/her designee.

N. On an annual basis, each contingency fund will be audited by an independent Auditor.

O. Additional audits may be conducted as necessary at the direction of the Chief of Police or his designee.

69.1.21 Confidential Informants

A. During the course of many investigations, Confidential Informants are used to secure information that cannot otherwise be obtained. Due to the inherent risk to departmental personnel when contacting informants and the risk to the individual confidential informant if his/her identity were to become known the following procedures concerning Confidential Informants (CI's) will be used.

1. Each Confidential Informant used by the Espanola Police Department will be documented using a Confidential Informant Report. As new Confidential Informants are identified and used, Confidential Informant Report(s) will be created on them.
2. Each Confidential Informant Report will include:
 - a. Confidential Informant number
 - b. Detective assigned as handler
 - c. Confidential Informant code name
 - d. Date/time file was prepared
 - e. Informant's full name, address, and alias
 - f. Residential status
 - g. Driver's license information
 - h. Place of birth

- i. Citizenship
- j. Ethnic origin
- k. Social Security number
- l. Date of birth and age
- m. Race
- n. Sex
- o. Description
- p. Vehicle information
- q. Prior criminal records check
- r. Comments about the Confidential Informant that the Detective deems necessary
- s. Confidential Informants code name and normal signatures
- t. Left and right thumb prints
- u. Photograph of the informant
- v. A history of their information, the reliability of that information, and transactions.
- w. Any involvement of a Confidential Informant in an actual operation.

B. The Confidential Informant files will be maintained by the Unit Sergeant of any Detective/Agent who is using a Confidential Informant. In addition, the Investigations Section Sergeant/Lieutenant will maintain a master file of all Confidential Informants used by the Espanola Police Department.

C. On a semi-annual basis, each Confidential Informant file will be reviewed and updated. In addition, on an annual basis, the files of Confidential Informants who have been inactive for five (5) years will be destroyed.

D. Due to the sensitive nature contained within the Confidential Informant reports, their security is important.

1. The unit Sergeant will maintain their unit's confidential informant files in a locked and secured filing cabinet within their office. Access to this material is to be limited only to those persons directly involved with the individual informant. Confidential Informant files should not leave the office of the unit sergeant even while being viewed.
2. The Investigation Sec. Sergeant/Lieutenant will maintain the Master Confidential Informant file for the Espanola Police Department. This file will be locked and secured in a locked safe in a secure property room, with access limited only to those persons directly involved with the file.

E. In addition to the security of the Unit Confidential Informant files and the Master Confidential Informant files, Detectives should carefully consider where they are and who is present when discussing Confidential Informants. Furthermore, the use of a Confidential Informants name, code name, or number will never be referred to in any written report or affidavit. However, if the detective has independent corroboration of the Confidential Informant's information it should be included. At no time will a detective reveal the identity of the Confidential Informant, unless under a legal court order to do so, which would occur in a in-camera hearing in a criminal prosecution. It should, however, be considered whether it would be in the interest of the Confidential Informant's safety to drop the criminal case prior to revealing that information.

F. Caution should be used in the dealing with Confidential Informants and the information they provide. When it is necessary to meet with a Confidential Informant, a detective/officer should not do so alone.

G. In addition, meetings between detectives/officers and Confidential Informants of the opposite sex, or whose sexual preference may create a situation susceptible to compromise through alleged improprieties, shall be avoided when possible.

H. The use of juvenile confidential informants is discouraged, although it is acknowledged that situations will arise when they will be used. When this occurs, the parents or legal guardian of the juvenile must give their written consent before the juvenile can be used.

- I. Although some persons who are classified as Confidential Informants will provide information to law enforcement agencies for personal reasons, most do so for financial reward. The payment of Confidential Informants is made based on the quality of their information and the impact this information has on the overall efforts of the Espanola Police Department. The decision to pay a confidential informant, and the amount of this payment, is made by the Criminal Investigations Section Sergeant/Lieutenant based on the evaluation of its importance by both the detective and unit sergeant. The payment of confidential informants is to be made from the department's contingency funds.
- J. Investigations personnel shall not use an individual as a Confidential Informant who is currently on charges with the District Attorney's office.

1. In the event that there are extenuating circumstances that would require use of such a CI, express approval from the District Attorney's office is required

69.1.22 Seizure of Property

A. STATE PROCESS

1. Establish probable cause pursuant to 1978 Controlled Substances Act. You are encouraged to contact the City Attorneys Office for Assistance at this point.
2. Contact owner to establish involvement in case.
3. Determine if there are any liens on property:
 - a. If there is a lien, contact Technical Services.
4. Contact City Attorney's Office:
 - a. Initiate Forfeiture proceedings
5. If a decision to seize is made, City Attorney will file all documentation with the proper court, however, it is the Unit Commanders responsibility to submit a memo to the City Attorney with all pertinent information requesting seizure of monies and or Property within 10 days of the seizure of the

property. A copy of the Offense Incident Report will accompany the memo.

6. Property/vehicles need to be inventoried and personal property not being seized either as evidence or for forfeiture is to be returned to owner.
7. Vehicles will be stored at the Police Impound Lot.
8. The City Attorneys Office will forward any Summons to be served on the owner to the appropriate Detective. Detectives must complete a supplemental report documenting the service or attempted service of any summons.
9. All confiscated money is to be submitted into evidence, it is then to be deposited with the District Court Clerks Office.

B. FEDERAL PROCESS

1. Probable cause to seize:
 - a. Determine lien;
 - b. Contact federal agency for request to adopt case.
2. Inventory property, release, and return all personal property that has not been seized to the owner.
3. If federal agency accepts the case:
 - a. Obtain receipt for property.
 - b. File proper Federal Asset Sharing form within thirty (30) days of Seizure.
 - c. Answer all questions on federal form:
 - Include payoff;
 - Include outstanding balance against property.

NARCOTICS/VICE INVESTIGATIONS

69.1.23 Organization and Operations

- A. The Espanola Police Department, in recognition of the destructive nature of organized crime and vice activities, is committed to taking a proactive approach to stem its establishment and growth within the Espanola area. It is the duty of every member of the Espanola Police

Department to assist in the suppression of organized crime and vice. In order to accomplish these goals the Espanola Police Department Criminal Investigation Section, has assigned personnel responsible for investigating these activities. These Detectives will be commanded by an officer of the rank of Sergeant. This unit will further be provided with equipment, funds, and other resources based on the overall needs of the department and community.

- B. Personnel assigned to this area are responsible for the investigation activities within the Espanola area and report to the Sergeant. In addition the Sergeant will establish written goals and objectives annually for the expected performance of the unit during any one year period. These goals and objectives will be used to determine the resources required to meet them and provides the unit's personnel with a clear understanding of what is required of them in order to meet them.
- C. It shall be the responsibility of the Sergeant to coordinate and oversee vice control and enforcement and keep the Chief of Police and the Region III task force informed of cases within the Espanola area.
 - 1. Region III shall be notified on all controlled substance cases prior to any Department personnel initiating any investigation.
- D. The Narcotics/Vice Detective(s) will be responsible for the investigation of vice activities within the Espanola area. These investigations will include, but are not limited to:
 - 1. Illegal use and sale of controlled substances
 - 2. Illegal Gambling
 - 3. Illegal use and sale of alcoholic beverages
 - 4. Prostitution
 - 5. The illegal distribution and sale of obscene or pornographic material
- E. It shall be the responsibility of the Sergeant to coordinate and oversee organized crime control and enforcement.

F. The personnel assigned to Organized Crime activities shall be responsible for the following areas of criminal activity, but not limited to just these activities:

- 1. Groups engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, any offense for profit.
- 2. Groups engaged in supplying illegal goods and services such as gambling, pornography, illegal trafficking in controlled substances, liquor or weapons and other unlawful conduct that may include the illegal use of force, fraud, bribery or corruption.

69.1.24 Operations

- A. Complaints on organized crime and vice activities received by the Espanola Police Department will be handled in the following manner:
 - 1. Calls received by Espanola Police Reception concerning incidents of organized crime or vice activity in progress will be referred to the Uniformed Patrol Division for investigation. The results of these investigations will be documented and referred to the Investigations Unit.
 - 2. Information received through investigation and intelligence gathering or through Confidential Informants and Crime Stoppers will be referred to the Sergeant of the Detective Division.
 - 3. Upon review of the information provided and based on departmental refer to (case assign) criteria it will be determined by the unit commander whether follow up investigation should be conducted.
 - 4. All investigations, preliminary and follow up, will be documented using standard Offense Incident Report Forms of this department.
- B. The Investigations Sergeant shall maintain a record of all vice and organized crime complaints made by citizens which are substantiated by investigation. These records will be maintained in accordance with the

policies pertaining to record keeping and in accordance with local, state and federal law.

- C. Records concerning organized crime and vice complaints will be reviewed on an annual basis by the Sergeant in order to evaluate both the community problem and public attitude toward the problem.
- D. Investigations personnel assigned to organized crime and vice related offenses will share responsibility for the confidentiality of all intelligence pertaining to the investigations of these crimes. In the event that an investigation requires a coordinated effort, a request for assistance shall be made to the immediate supervisor and again the report may only be viewed on a need-to-know basis. Manual type case files may be maintained by a case agent/detective. Access to these files will be limited to agents/detectives actively working these cases. These cases will be maintained in locked files until the case is entered into the system. The agent/detective may keep a case file consisting of notes and copies of any documents etc. The reports will then be filed in separate locked files as prescribed by Records Section Directives. If an agent/detective leaves the department or the specialized unit, open cases on locked status will be turned over to the appropriate unit supervisor. The case agent/detective and unit supervisors shall coordinate dissemination of information of these types of files.
- E. The Investigations Section Sergeant/Lieutenant will maintain files of Confidential Informants pursuant to Standard Operating Procedure.
- F. Due to the ability of criminals to move rapidly from one community to another it is recognized that information concerning these individual may be needed by other law enforcement agencies. In the event that information obtained by the Espanola Police Department is required by another law enforcement agency it will be the duty of the case agent to document the request and what information was provided in his/her case file. At that point if assistance is requested by that agency, the agent or detective assigned shall then convey the request to his or her immediate supervisor for approval and process it

through the chain of command. In all cases it shall be the agents' or detectives' responsibility to follow the investigation and to report to his immediate supervisor so that the agency may evaluate the effectiveness of the assistance. When the Espanola Police Department receives information from another law enforcement agency, the unit commander will evaluate the information and determine if it warrants the initiation of an investigation.

- G. Active case files involving organized crime and vice will be maintained by the individual or team of investigators who are involved in the operations. These files will be maintained in the Investigations Sergeants Office in a secured filing cabinet. Access to these files will be limited to the members of the Investigations Section on a case-by-case approval by the Sergeant.
- H. Specialized equipment such as "Bird Dogs", concealed transmitters, and long range photographic equipment will be maintained by the Sergeant. When it is determined that this type of equipment is needed, a request will be made to the Sergeant for its use. This request should explain the nature of the investigation, the specific purpose that the equipment will be used for, and how long it will be needed.
- I. Once approval has been obtained for the equipment's use, the individual requesting the equipment and the Sergeant will inspect the equipment for its completeness and operational status. If the equipment is usable and the Sergeant is satisfied that the individual knows how to operate it, the equipment will be issued.
- J. On the return of this equipment the Sergeant and the individual returning it will again inspect the equipment for completeness and operational status. If the Sergeant is satisfied, no further action is required. If however there is a problem with the equipment, the individual who obtained it will be required to explain, in writing, what occurred to create the problem.
- K. If the equipment will be required for an extended period of time a case plan shall be prepared.

L. Organized crime and vice activities can be investigated, at times, using traditional criminal investigation techniques. Due to the nature of these activities, special investigative techniques maybe necessary. All investigations that can be handled using traditional methods of investigation will be handled in accordance with Criminal Investigation Section Standard Operating Procedures. Preliminary Investigations and Follow up Investigations. Special Investigative Techniques are set forth in the following sections:

69.1.25 Surveillance

A. When it becomes necessary to conduct surveillance operations a plan of action will be formulated in order to provide for a thorough and smooth operation. The following areas should be considered during the planning of a surveillance operation.

1. An examination of the criminal activity under investigation and the victims of this activity should be made in order to better understand the problem.
2. Identify the possible offenders and examine their habits, associated, vehicles, methods of operation and other pertinent information to better prepare for your target.
3. An assessment should be made of the area of operations to familiarize the assigned officers with the neighborhood and target location.
4. Determine the operation procedures to be used for observation, arrest and "tails." Further assign personnel accordingly and ensure they understand their assignments.
5. If expense monies will be needed make arrangements for it and ensure that personnel involved understand what these funds are for and how to account for their use.
6. Analyze and determine what type of communications will be used during this operation, police radio, cellular phone etc., and ensure that all personnel are provided with the proper equipment.

7. Determine what types of equipment and or vehicles will be required to run the planned surveillance operation and compare this against present equipment and vehicle assets.
8. If the surveillance is to take place over an extended period of time the officer in charge should provide for a relief schedule for his/her personnel. This should include how this relief is to be performed (routes, etc.) and the times it will take place.
9. The planned operation should finally be examined in order to determine if there are any legal ramifications that could jeopardized the operations goals.

69.1.26 Electronic Surveillance

A. Electronic Surveillance, for the purpose of this procedural document, shall be defined as the acquisition of prosecutorial evidence of felony crimes through the use of electronic equipment, devices, and computers, through the established systems of the telephone company or by means of physically placing an electronic device in a location for the purpose of listening to conversations. Such equipment and means are not limited to the following:

1. Dialed number recorders (DNR)
2. Wiretapping devices
3. Electronic slave / loop extender devices
4. Trap and trace systems

B. A dialed Number Recorder, (DNR), is an electronic device used by the police to attach to a suspected offender's telephone line to capture all telephone activation at the suspected offender's location. The device will capture and record activation of outgoing calls incoming calls (both answered and unanswered), and no number dialed calls. The DNR will capture the telephone numbers dialed (rotary phone) or pulsed (touch-tone phone) from the target telephone. A "no number dialed" activation is an indication of customized service on the target line such as call waiting, call forwarding or three party conference calling services.

- C. A wiretapping device is usually a DNR which has been modified to allow for the audio interception of conversation on the target telephone line. During full audio monitoring, the DNR will continue to capture and record all telephone activation on the target telephone line.
- D. An electronic slave / loop extender is a device used by the telephone company, provided by the law enforcement agency conducting the intercept, to make the required connection between the target telephone line, the telephone central office, and the location the police are monitoring from. The slave / loop extender connects the target line to the monitoring devices without any noticeable change in the telephone line voltage which could be monitored by the subject by use of a volt meter, thus making the attachment of the DNR "invisible" to the target or other telephone company employees conducting routine service on the target's line.
- E. A trap and trace is an operation conducted by the telephone company which will identify the telephone number being dialed or pulsed to the target telephone. This will ensure that all incoming and outgoing telephone numbers are identified. The trap and trace conducted by the telephone company must be authorized by the Court, and must include the geographic (specific) areas from which telephone calls are being placed to the target. (Example: A target is being monitored in Santa Fe, and the court order only requests that calls being placed within the New Mexico 505 area code are to be trapped and traced. This would cause any telephone numbers being used to contact the target from anywhere outside the 505 area to be lost. The conversations would still be monitored, however, the identity of the subscriber would be lost.)
- F. Electronic Surveillance Operations generally require the addition of resources not available to the Police Department. For cases which will require additional manpower, refer to the Procedure on Joint / Liaison Operations. All Electronic Surveillance Operation proposals must be submitted in a case plan. (Refer to Case Plan Procedures as outlined in the Investigation Division guidelines).
- G. The following criteria must be met before any Electronic Surveillance Operation will be approved:
 - 1. All other reasonable means of detection, investigation, and apprehension have failed or have proven to be too dangerous to accomplish, and the failed results have been documented.
 - 2. The crime which is suspected to have been, is not being, and will continue to be committed, is a felony, in violation of any federal, state or local law.
 - 3. That there is a reasonable belief that the electronic surveillance will succeed where all other reasonable means of detection, investigation, and apprehension have failed.
 - 4. That the information and belief that the crime is being committed is sufficient to substantiate probable cause to support a Court Order.
 - 5. Information received through the use of reliable confidential informants must be corroborated and the informant must have been previously documented. (Refer to section concerning Confidential Informants).
- H. All proposals for the use of electronic surveillance, after initial approval by the Investigations Sergeant/Lieutenant and Deputy Chief of Police and will be submitted to the Office of the District Attorney for approval.
- I. If approval is obtained and a Court Order is authorized, the Investigations Sergeant/Lieutenant will initiate a pre-operation briefing which will include all the assigned personnel, district attorney's representative, and Deputy Chief. The briefing will outline the objectives of the operation, identify the target(s) of the operation and will define the operational procedures of the surveillance as established in the section governing surveillance operations.
- J. Informational Requirements
 - 1. Any proposed electronic surveillance operation will contain the applicable information requirements as set forth in the New Mexico State Statutes. These

requirements far exceed the requirements of the Federal Statutes governing electronic surveillance.

- K. The establishment of any electronic surveillance presents specific logistical requirements / concerns which must be addressed prior to the operation.
- L. The needed equipment, DNR, slave / loop extenders, etc. must be obtained from an outside source. The recommended source is the Rocky Mountain Information Network, and the recommended equipment is the Bartec T 2000 DNR.
- M. A remote (away from the Police Department offices) structure must be obtained in which to house the electronic equipment. The location must be within a maximum of one (1) mile from target location / telephone, because telephone lines carry a very low voltage, and as the distance increases between the target location, the surveillance location and the telephone company, the required voltage on the line decreases causing a noticeable drop in amplification to the target line, and the possibility of detection by the target or equipment failure at the surveillance location.
- N. Once the equipment and structure are obtained, the telephone company must be notified through their Securities Division. A certified copy of the Court order authorizing them to conduct a Trap and Trace must be faxed before any telephone company involvement is initiated. The Securities Division will establish the required telephone lines to the surveillance location and install the needed "lease-lines" within the central office nearest to the target telephone location. (At least two (2) telephone lines for one (1) target line are required to be set up at the surveillance location. One is for the DNR to be attached to, and the other is for communication to and from the surveillance location. The telephone representative will connect the telephone lines and provide the Department with the telephone numbers of the DNR line and the communications line. The telephone company will install the "lease-line" which is the connection between the slave / loop extender S.C.A.T. and the target line which ultimately

connects the DNR at the surveillance location to the target line.) It will be necessary to instruct the telephone company representative as to the particular needs of the surveillance. Below are listed the minimum requirements of the telephone company:

1. Certified copy of the Court Order.
2. Target telephone number, the name as shown on telephone records associated with the target telephone number and address associated with the telephone number as shown on the telephone company records. (This information is available through subscriber information obtained previously as part of the initial investigation).
3. The location the surveillance will be established.
4. The number of telephone lines needed at the surveillance location.
5. The approximate distance between the surveillance location and the Telephone Company's office responsible for that particular prefix and the approximate distance between the target telephone location and the telephone company central office.
6. The telephone representative will need to be informed that a "lease-line" will need to be established at the central office of the telephone company to identify the "Cable and Pair" sets used to attach the Lease-Line to the target telephone and the slave / loop extender line.
7. The case agent must meet with the telephone company representative at the central office of the phone company and provide them with the slave / loop extender MFT cards. The card switch configuration must be accomplished before the slave / loop extender MFT is installed. (Refer to the set up procedures manual accompanying the equipment.)
8. The case agent must designate an assistant to remain at the surveillance location to attempt to circuit test in an effort to connect the DNR

through the slave / loop extender to the target line. The DNR must be configured and the appropriate settings and telephone numbers must be installed at the surveillance location previously.

- 9. Identification and trouble telephone numbers must be obtained from the telephone company Securities Division representative and the central office representative to facilitate re-connection if disconnect occurs.
- O. Below are listed the minimum equipment requirements for performing any electronic surveillance operation:
 - 1. A DNR with all associated hardware, software and connections.
 - 2. Four (4) standard cassette tape recorders and a minimum of two hundred (200) blank, ninety (90) minute, leaderless cassette tapes.
 - 3. A telephone to install for communication.
 - 4. A typewriter.
 - 5. An IBM compatible personal computer (386SX or better) with both 3 1/2 and 6 1/4 inch drives, printer and an RS-234 serial port connection.
 - 6. A portable copy machine.
 - 7. Office equipment.
 - 8. An evidence safe.
 - 9. Two (2) power cord surge protectors.
 - 10. Evidence tags, reports and other related material.
 - 11. A large table and at least two chairs.
 - 12. Two (2) pair of mono type headphones.

NOTE: ALL EQUIPMENT SUBJECT TO REPLACEMENT BY UPDATE.

- P. All electronic surveillance operations conducted in Espanola will require the use of bi-lingual officers to monitor any recorded conversation.
- Q. A minimum of two (2) officers will be responsible to monitor the recording equipment, twenty-four (24) hours per day for the duration

of the operation. The Investigations Sergeant/Lieutenant and the case agent will decide on the number and schedule of exterior surveillance units and manpower.

- R. While at the surveillance location (listening post), no unauthorized personnel will be allowed into the structure housing the equipment. The persons who are authorized are those persons immediately involved in the surveillance operation, the members of the District Attorney's Office assigned to the case, the Investigations Sergeant/Lieutenant, the Deputy Chief, the Chief of Police. ALL PERSONNEL ENTERING INTO THE LISTENING POST WILL BE REQUIRED TO SIGN IN AND SUBMIT A WRITTEN REPORT EXPLAINING THE PURPOSE OF THEIR PRESENCE AND ACTIVITIES MONITORED.
- S. The operation of the electronic surveillance will not be disclosed to any non-involved member of the Police Department, including certified law enforcement officers, commanders, or civilian personnel. No disclosure will be made to any person, business or organization outside the Police Department for any reason, except where a need to know has been established. (i.e. the telephone company, the Court etc.)
- T. Radio communications discussing the target identity, the ongoing operation or any aspect of the operation will be prohibited. All discussion or communications not necessary to the investigation will be handled over the telephone.
- U. Any inquiry from any member of the press will be referred to the Chiefs Office, (refer to Directive concerning Media Relations) who will not disclose the existence of any electronic surveillance operation by Order of the Court.
- V. Every monitor of the recorded conversations will prepare a report documenting the conversations recorded, the time they were received, the call number, and a brief synopsis of the conversation, prior to leaving the listening post. The monitors will be responsible for removing the tape recordings of the conversations (even if no conversations were recorded) from the tape recorders, breaking out the recording protector tabs on the back of the cassette tapes, identifying

the date, times and call numbers on the tape, and sealing the tape in an evidence bag. All tape recordings are to be submitted as evidence in the case and are to be handled as such. (Refer to the Department Directive outlining Evidence procedures).

- W. All exterior surveillance personnel are to complete a report for their activities, observations and findings before completing their tour of duty. These reports will be turned into the designated personnel at the listening post.
- X. Occurrences of a significant nature are to be brought to the attention of the case agent, who will brief the Investigations Sergeant/Lieutenant. The supervisor on duty will in turn notify the Deputy Chief of Police.
- Y. The case agent will maintain an open line of communication with the Investigations Sergeant/Lieutenant in order to brief the Deputy Chief on a daily basis of the progress of the investigation.

69.1.27 Task Force Organization

- A. During the normal course of operations it may become necessary to form a temporary organization or task force to deal with a problem. This organization may involve only internal personnel of the Espanola Police Department or may involve the participation of several law enforcement agencies working in concert to cope with a problem.
- B. One type of situation that may require a multi agency task force would be in the investigation and control of Organized Crime that may operate in several communities at one time.
- C. When it is determined that a task force will be utilized to enhance the investigative capability of the Espanola Police Department a written directive will be created authorizing it's creation. This directive should include the following information:
 - 1. A statement identifying the purpose of the task force including the type of offensives the task force will be charged to investigate.

- 2. Consideration should be given to the Task Force's chain of command and establishing a defined authority and the responsibilities of those involved.
- 3. Clear reporting lines must be identified which establishes its accountability.
- 4. A statement defining the resources, both material and personnel that will be dedicated to the Task Force.
- 5. A statement covering the method of measuring and evaluating the performance of the task force results and under what criteria the task force will be ended or continued as a necessary function.

69.1.28 Joint Liaison Operation Procedure

- A. All joint operations (those operations involving personnel from other sections, divisions, teams or units within the Police Department or personnel from other law enforcement agencies) must be approved by the Investigations Sergeant/Lieutenant. Upon approval, it will be the responsibility of an Investigations Supervisor to request the use of the additional personnel from the other divisions, sections, teams or units supervisors and from any outside law enforcement agency participating in the operation.
- B. Any request made for a Joint Operation must be made in the form of a Case Plan. (See case plan preparation procedures outlined in the Investigation Section Case Plan section.).

69.1.29 Undercover Operations

- A. Undercover operations include all operations which require that the police portray themselves as something or someone different than police officers.
- B. The use of a ruse, or fictitious portrayal, has been long accepted by the Courts as means by which police are permitted to gain evidence of a prosecutorial nature. Such portrayals are left up to the discretion of the personnel conducting the investigation, however, no portrayal or ruse will be used which adversely affects the integrity of the Police Department if in the public eye, nor

will any ruse of portrayal be used which could cause retaliation by offenders, their family, friends or associates against any private citizen, public or private business or organization. Additionally, no ruse or portrayal will be used which could be construed as to defame, corrode or jeopardize the character or livelihood of any private citizen, business or organization.

C. All operations which are determined to be Long Term or Undercover Operations must receive approval from the Investigations Sergeant/Lieutenant and a Case Plan must be submitted. The case plan will include factors of the case which include:

1. Required manpower
2. Estimated required
3. Objectives
4. Benefits to the Police Department/Community
5. Specialized equipment needed
6. Anticipated length (in terms of time needed to accomplish the objectives)
7. Anticipated results (in terms of the number of individuals arrested, property recovered, controlled, substances seized, etc.)
8. The identification of the past and failed operations which must precede the approval of the long term investigation operation

D. When it becomes necessary to conduct an undercover operation, a plan of action will be formulated in order to provide for a thorough and smooth operation. The following areas will be considered during this planning stage:

1. An examination of the criminal activity under investigation and the victims of the activity should be made in order to better understand the problem.
2. How contact will be made with the suspects.
3. An assessment should be made of the area of operations to familiarize the assigned officers with the neighborhood and the targets.

4. Determine the need for false identification and ensure that it is provided prior to the start of the operation.
5. Determine the methods necessary to provide for the confidentiality of the officers' false identification.
6. Determine the need for expenses and arrange for its issue prior to the start of the operation and ensure the officers understand its authorized use and accountability.
7. Determine the types of equipment which may be necessary and equip the personnel prior to the start of the operation.
8. Determine the types of communication that will be required for the operation for both routine and emergency situations, and ensure that all personnel understand them.
9. Examine the planned operation to determine if there could be any legal ramifications that would jeopardize the operational goals.
10. Guidelines for the arrest of the target should be considered prior to the beginning of the operation. This assessment should include the type of violation involved, the possible location to make the arrest, the risk factors to the officers and surrounding population, and the number of personnel that will be required.
11. During the undercover operation, additional personnel should be placed in locations to provide security back up if necessary. These officers should be familiar with the emergency communications system set in place for the operation.
12. Due to the nature of an undercover operation, a supervisor should be closely monitoring the operation at all times. If the operation is to take place over an extended period, relief of security personnel and supervisor should be considered.

69.1.30 Fictitious Identity

A. The Espanola Police Department may allow certain members of the Department to obtain, possess, and use undercover identification cards

or undercover driver licenses while working undercover roles requiring use of a fictitious name, address and city. The acquisition of such identification cards or drivers licenses will be made with the approval the Chief's Office and will be maintained in the individual's personnel file.

- B. The following guidelines will be adhered to when requesting an undercover identification card or driver license.
 - 1. A memorandum will be submitted through the chain of command to the Chiefs Office.
 - 2. The individual submitting the memorandum will indicate the intended purpose or need for the undercover identification, and provide an estimate of the length of time the document will be needed.
 - 3. In addition to the memorandum, the individual requesting such fictitious identification will complete a letter (sample attached) to be sent to the New Mexico Department of Motor Vehicles if the request is approved.
 - 4. Upon receipt of approval, the individual making the request will provide the Office of the Chief of Police with a photocopy of the fictitious identification to be placed into the individual's personnel file at the Police Department.
 - 5. It is the responsibility of the individual to return the fictitious identification to the Department of Motor Vehicles upon expiration of the time required or submit a memorandum to the Chiefs Office requesting additional time. Once the identification is no longer required, the individual must remove the photocopy of the fictitious identification from their personnel file within 30 days or it will remain in the file.
 - 6. Use of the fictitious identification is limited to official duties only. The fictitious identification will not be used unless the individual is in the actual performance of assigned duties. At no time (unless required in the performance of duty) will the individual present the identification as true

to any law enforcement officer. Should the need arise, while in the actual performance of duty, to present the fictitious identification will, document the occurrence, the reasons for the action and attach any citations issued to a memorandum directed to the Chiefs Office.

- 7. Misuse of undercover identification or drivers license by an individual issued such documentation will result in the immediate suspension of use of the undercover identification, and possible disciplinary action.

69.1.31 Decoy Operations

A. When it becomes necessary to conduct a Decoy Operation a plan of action will be formulated in order to provide for a thorough and smooth operation. The following will be considered during the planning stage:

- 1. An examination of the criminal activity, victims and locations of activity will be made to identify the proper decoy type.
- 2. On determining the victim profile, the officers (decoys) will be disguised to fit the profile.
- 3. Considering the area of operation and type of crime involved determined the number of back up officers that will be required for security and protection.
- 4. Develop a plan of action as to how the decoy will be positioned and where the back up officer will be stationed. In addition formulate an arrest plan assigning officers appropriately.
- 5. Examine the operation for any legal ramifications that could jeopardize the operational goals.
- 6. Determine what type of communications which will be appropriate for the operation and ensure that all involved personnel are so equipped and briefed.
- 7. Identify all personnel involved assigning them to their roles in the operations and ensure they have a thorough understanding of their duties.

- 8. Ensure that the uniformed patrol commander on duty is briefed on the operation prior to its start to ensure that it does not conflict with their operations or interrupted.
- 9. Due to the nature of this type of operation, a supervisor of the rank of sergeant or above will be placed in charge of it.
- B. In any of the above operations a case plan SHALL be required.

69.1.32 Raids

- A. When it becomes necessary to conduct a raid concerning criminal activity, a plan of action will be prepared prior to the raid being carried out. This planning is to ensure that all personnel know their roles and that the raid is conducted safely and without problems. During this planning, the following will be considered:

- 1. What jurisdiction will be granting the authorization for the action?
- 2. One person must be designated as the officer in charge.
- 3. Examine the location where the raid is to take place and develop a strategic and tactical plan for its approach, entry, security and possible leaving targets.
- 4. Designated search teams and the methods to be used to search for and seize the evidence.
- 5. Examine the operation and determine what equipment will be required and secure it prior to starting.
- 6. Examine the communications and personnel requirements of the operation and ensure that the equipment is available and that personnel selected have the appropriate specialization for their assignment.
- 7. Identify the possible targets and assign personnel to arrest teams.
- 8. Examine the risk factors involved in the operation and ensure that all personnel understand the threat level that exists and what the authorized use of force is.

- 9. Based on the threat level and the overall operation, determine the need for medical assistance and how close at hand it should be.
- 10. Personnel should be assigned to provide documentation of the operation to include service of search/arrest warrants, photographs of evidence, collection of evidence and reports.
- B. It should be noted that in any of the above operations a case plan shall be required..

69.1.33 Reverse Role Operations

- A. The following is a list of guidelines governing undercover reverse operations within the First Judicial District. These guidelines have all been distributed to the law enforcement agencies within the First Judicial District and have been approved by these agencies. The guidelines have been constructed from policies and practices of the Fifth Judicial District and the Second Judicial District.

- 1. No reversals shall occur unless there has been prior authorization by the District Attorney or his staff prior to the operation.
- 2. The investigation is targeted against a major drug trafficker. The requesting agency must have evidence of 1) A controlled substance violation; and 2) The agent/detective must articulate the facts, to show a predisposition of the suspect to commit this crime through Confidential Informant information, personal observation etc.
- 3. No controlled substance may be used in an investigation unless such materials have been deemed unnecessary for Criminal prosecution and an order from the District Court has been obtained for such purposes.
- 4. The agent must not relinquish the controlled substance to any other agent or employee of any law enforcement agency except as authorized in the court order.
- 5. No agent may permit any suspect, defendant or non-law enforcement officer to remove any quantity of a controlled substance under the control of or supplied by the agent. The

agent may also not permit the controlled substance to leave an environment which is in the immediate and absolute control of the law enforcement officer.

6. No operation will be approved solely and exclusively for the purpose of seizing assets.
7. It is necessary that some amount of a controlled substance be destroyed in the testing of the substance by the suspect, it shall be specifically stated in the motion and order of the use of the contraband that a small amount may be used for testing and validation purposes.
8. No samples of the controlled substance will be allowed to leave with the suspect under any circumstances, unless approved through the Chief of Police, by the District Attorney's Office and authorized by a District Court Judge.
9. All controlled substances must be tested by the Crime Laboratory before use in the undercover operation.

B. Exceptions to any of these guidelines must be requested and secured in writing prior to the commencement of any operation. The District Attorney or Chief Deputy District Attorney may approve any exceptions.

69.1.34 The Walk Buy

A. The buy is made by the agent, but rather than making an immediate arrest he will allow the suspect to walk away. An arrest warrant will be obtained for this subject at a later time. This method may be used only after following procedures set forth below:

1. A case plan is submitted and approved.
2. The agent has established the target's identity and is reasonably sure that he/she will be able to pick him up later.
3. It will either compromise the agent or the case that is under investigation.
4. The agent, through the use of this unwitting ally, is able to get to his source.

5. Several other arrests will be made and they are to be made simultaneously.

6. The agent believes that it will be too dangerous to make the arrest at that time.

69.1.35 Agent hand-to-hand buy

A. A hand to hand buy will be made by a member of this unit when the following conditions have been met.

1. A case plan will be submitted and approval will be obtained from the Criminal Investigation Sergeant/Lieutenant or Deputy Chief.

2. Upon approval by the investigative supervisors that are in charge of the Investigations Unit, the monies for the operation will then, in accordance with policies set forth by Standard Operations Procedure Contingency Funds, be turned over to the case agent.

B. Before the buy is attempted every effort to identify the target will be made. An agent will attempt to get an introduction from a confidential informant or gain the target's confidence by other means. While dealing with the target, surveillance will be maintained. Whether the agent is wired or not, code words will be used as well as signals to indicate whether the agent is in danger or needs to be removed from the situation.

C. The agent will make two (2) buys if possible or more if necessary. This will be decided on a case-by-case basis by the agent, supervisor and Sergeant/Lieutenant. The goal of this operation will be to either have the target order up a larger amount or to get to the target's source. The case agent and supervisor will determine at what point the prospective proceedings will start. The District Attorney will also be involved and his/her input solicited.

69.1.36 Controlled buys with the use of Confidential Informants

A. When the agent receives information, he will make every effort to authenticate it and make sure the information is valid. The procedure for

controlled buys with the use of a confidential informant are set forth below:

1. Thoroughly debrief the confidential informant.
2. A case plan will be submitted and approval obtained.
3. Thoroughly brief you informant (for what you are looking for, I.E., guns, name of suspect, where the product is being kept, layout of house, any children present, and other information that may be pertinent).
4. No promises of any monetary reward or physical safety will be made. The CI must be aware that the police may not be able to protect him/her at all times.
5. Have the informant call the suspect while the call is monitored (if possible).
6. Attempt to set the buy meeting where the agents anticipate the search warrant will be executed and where the agents can maintain surveillance.
7. An agent will not attempt to make a controlled buy without at least one other agent present, assisting or surveilling the event.
8. Thoroughly debrief all assisting agents.
9. Before the buy search the informant, take custody of any items that are inappropriate for him/her to have.
10. Give the Confidential Informant official funds. Funds are to be returned immediately if no buy is made. The case agent can hold on to these funds for a period up to twenty four (24) hours in order to allow him/her additional time to make the controlled buy when necessary. The informant will not keep any money with him/her outside of the agent's presence.
11. Advise all surveillance units of the appearance of the CI.
12. Set up pre-surveillance before the meeting with the target as close as possible.

13. After the buy, meet with the CI in a pre-arranged spot to secure the product or money.
14. While the CI is with you, immediately field test the product to make sure that it is what it is said to be.
15. Search the CI again, and return any items take from him/her (obtain a receipt).
16. Thoroughly debrief the CI.
17. Agents will not attend any pre-arranged meetings with any confidential informants for any purpose without another agent, detective or supervisor present.

B. In the event that circumstances occur outside the reasonable control of the agents such as:

1. Robbery of monies.
2. Forced rip off of monies.
3. Refusal of target to surrender contingency monies.
4. Injury of agent.
5. Injury of CI.
6. Injury of target.
7. Extensive property damage.
8. Loss of equipment or funds.
 - a. The Sergeant, if not involved, will first be notified by the agent in charge. As soon as possible, he/she will then contact the Chiefs Office.
 - b. The Sergeant/Lieutenant, or person he/she appoints, shall assume command and control of the ongoing investigation.
 - c. Written reports detailing the incident from all personnel involved shall be completed by the next working day.
 - d. The name of the informant will not be mentioned or listed on any reports or memos.

69.1.37 "Flash Role" Usage

A. Undercover investigations may find it necessary to "flash" a large amount of cash to convince a suspect the investigator has the cash available to pay for illegal drugs or property or services. The following will be the procedure for using a "flash roll":

1. The investigator will submit a case plan indicating the use and how much money he/she will need.
2. If the flash roll exceeds \$1000.00, approval from the Chief's Office will be required.
3. At any time that a flash roll is out of the Police Department, it will be accompanied by at least two investigators.

69.1.38 Body Wire

A. During the course of an investigation it may become necessary to use a body wire in order to obtain the evidence of criminal activity. The detective should consider the items listed below when conducting a body wire operation; but he/she is not limited only to these because each case is a separate and unique incident.

1. Prior to initiating a body wire operation it is necessary to determine what the objective is and if there could be any legal ramifications.
2. The suspect(s) should be identified and analyzed in order to prepare for the operation.
3. Analyze the area in which the operation is to take place. In doing this locations for the placement of officers should be identified, including a visual surveillance team and a back security team.
4. Establish a means for routine and emergency communication.
5. Supply the detectives with the equipment and ensure that they have a good working knowledge of it prior to the operation.
6. Upon the completion of the planning all personnel involved should be briefed, in detail on the operation the positioning of personnel, etc. It is further recommended

that a "dry run" be conducted prior to the actual operation.

B. In any of the above operations a case plan may be required.

69.1.39 Communication with other Agencies

A. The Espanola Police will establish and maintain a good working relationship with all law enforcement agencies within the geographic area of Espanola, New Mexico. This includes, but is not limited to:

1. Santa Fe County Sheriff's Office
2. Department of Public Safety
3. District Attorney's Office
4. Department of Corrections
5. Santa Fe Police Department
6. Los Alamos Police Department
7. Federal Bureau of Investigation
8. Drug Enforcement Administration
9. Albuquerque Police Department

B. Representatives of these agencies will discuss strategies for the identification, apprehension and prosecution of persons responsible for organized crime and vice-related activities.

C. The Espanola Police Department may participate in the Region Three Task Force. A detective will be assigned as the department's liaison to this organization.

1. As the liaison for Region Three the assigned Detective is responsible for the following item:
 - a. When it is determined that an operation will be conducted which requires outside agency personnel, outside agency equipment, or occurs outside of the city limits of Espanola a case plan will be prepared. This case plan is then approved by the Sergeant/Lieutenant and then presented to the Region Three Coordinator.
 - b. When a case plan has been approved the liaison will ensure that the

commanders of all effected outside agency units are contacted.

- c. The liaison will brief all involved personnel on the operation prior to it being conducted.
- d. The liaison will ensure that all evidence obtained during an operation is properly packaged, secured and maintained as evidence by the Espanola Police Department.
- e. The liaison is responsible for all reports, booking information, and laboratory analysis required and will ensure that each outside agency prepare and forward a copy of their report to him/her for inclusion in the file.

2. When an outside agency conducts an operation their request for personnel or equipment resources must be reviewed by the Sergeant, and approved by the Chief of Police.
3. If the Liaison Detective is not available the Property Crimes Sergeant will appoint another detective from his/her unit to act as a replacement during the absence.
4. It is the responsibility of the Detective/case agent to ensure that all department personnel who were involved in an operation write a report and that copies of these reports are provided to the lead agency of that operation.
5. Informant and/or contingency expenditures will be dispersed by the liaison in accordance with procedures established by the Region.

PROPERTY CRIMES

69.1.40 Pawn Shop Function

- A. As part of the normal operations of the Espanola Police Department, a member of the Investigations Unit shall oversee the city's pawn shops.
- 1. Due to pawn shop regulations all pawn shop transactions are required to be

recorded for the information and use of the Espanola Police Department. The information recorded reflects the item involved in the transaction and the person making the transaction. On a two week basis, the Officer assigned to this detail will contact the pawn shops within the city limits of Espanola and collect the records of these transactions.

2. Once the records or Pawn Cards are picked up, the detective will review them for possible stolen property against departmental records of stolen property. If an item listed on a pawn shop card is determined to be stolen, the Detective will recover this item from the pawn shop and conduct a follow-up investigation concerning the individual who pawned it.
3. Whenever weapons are the item of the transaction, they will be checked through N.C.I.C. to ensure the recovery of stolen weapons. If a weapon is determined to be stolen, the detective will recover the weapon as soon as possible. Once recovered the Detective will ensure that it is removed from N.C.I.C. A follow-up investigation will be conducted concerning the individual who pawned it.
 - a. If the weapon is from another jurisdiction, notification through a TTY will be made to that agency in order to ensure that the weapon is removed from N.C.I.C. The detective will make arrangements to get the weapon returned to the agency concerned.
4. The Detective assigned to the pawn shop detail will inform the appropriate law enforcement agency whenever someone from out of town pawns something.
5. The Pawn Cards are kept on file for a two (2) year period before being destroyed.

69.1.41 Property Crimes Investigations

- A. The Detective assigned to these cases is responsible for the overall investigation and completion of the case. The Detective should

consider the items listed below when conducting an investigation; but he/she is not limited only to these items because each case is a separate and unique incident.

1. If assigned to investigate an incident in which a crime scene needs to be processed, the Detective will ensure that the scene remains protected and secured, with the assistance of uniform patrol personnel as needed.

In addition, prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required to enter and investigate the scene.

If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until a search warrant can be obtained.

The case investigator is responsible for determining how the crime scene search/processing is to be carried out and shall ensure that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted within the procedures as per Standard Operating Procedures Evidence Collection and Packaging.

2. When assigned the case, the Detective will review all reports concerning the incident in order to prepare a plan for the full and complete investigation of the incident. In addition he/she will attempt to compare this incident to other such incidents looking for similarities which could assist in determining the identity of the perpetrator.
3. The case investigator will identify all victims, witnesses, and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained, when possible, using the procedures as per Department Directive, entitled Interviews.
4. The case investigator will seek additional information concerning the investigation by

interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.

5. Once an individual has been identified as the suspect, the case investigator should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
6. Upon the establishment of probable cause the case investigator will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
7. Upon the collection of evidence from a crime scene, the case investigator will evaluate the items collected to determine whether it needs to be examined by at the Department of Public Safety Crime Laboratory. If it is determined that examination is required the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory receipt. Evidence that does not require examination will be turned into the Espanola Police Department Property Room.
8. In all cases involving the collection or submission of evidence, the case investigator will include the evidence tag(s) number(s) within the narrative of their report.
9. Upon the completion of the Crime Laboratory examination, arrangements will be made, by the case investigator within five (5) working days, to pick the evidence up and return it to the Espanola Police Department Property Room. Further, upon obtaining the results of these examinations, a supplemental report will be made reflecting the results. A copy of the written Crime Laboratory examination report will be forwarded to the District Attorney's Office within two

(2) working days, either in person or in a Letter of Transmittal.

10. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days via a Letter of Referral.
11. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the Investigation.
12. A supplemental report will be prepared by each individual who assisted in a case, even though they are not considered the case investigator. These supplemental reports will be given to the case investigator prior to typing for review by the case investigator.
13. The case investigator will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial and prosecution. The case investigator will ensure that copies of all police reports, crime laboratory reports, medical reports and written statements are provided to the District Attorney's Office. In addition, he/she is responsible for ensuring that all diagrams, drawings and photographs required for the prosecution's case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight working days with the results being turned back to the District Attorney's Office through the Investigation Sergeant/Lieutenant.

69.1.42 BURGLARY/LARCENY

A. Property recovered through investigation will not be held for identification in the Property Crimes Office longer than is reasonable. All attempts at making identification will be completed within one (1) day of the recovery. Any recovered property that is identified will be turned in as evidence to the property custodian.

Arrangements for release of the property will be made with the Office of the District Attorney, and a copy of the Order Authorizing Release as well as a copy of the Departmental Property Release form will be placed in the case investigator's file. Individuals with identified property will be notified to make arrangements with the Property Custodian for release of that property once the Order Authorizing Release has been obtained from the District Attorney.

- B. Property recovered through investigation that has not been identified within the allotted time will be submitted to the Property Custodian for storage. The case investigator will be required to obtain a new case number for submission of this type of property if no other case number is available, and will prepare a report titled "Recovered Property", indicating the circumstances for the recovery and any related case numbers.
- C. Property that is recovered through investigation will be photographed prior to submission to the Property Custodian.

69.1.43 WHITE COLLAR CRIME

A. The case investigator assigned to these cases is responsible for the overall investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation; but he/she is not limited only to these items because as each case is a separate and unique incident.

1. Upon being assigned the case, the investigator will review all reports concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she will attempt to compare this incident with other such incidents looking for similarities that may exist which could assist in determining the identity of the perpetrator.
2. The case investigator will identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible,

using the procedures as per Department Directive entitled Interviews.

3. The case investigator will seek additional information concerning the investigation by interviewing other officers and street informants, where appropriate, in order to identify the perpetrator.
4. Once an individual has been identified as the suspect, the case investigator should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
5. After collecting evidence, the case investigator will evaluate the items collected to determine whether it needs to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory Receipt. Evidence that does not require examination will be turned into the Espanola Police Department Property Room.
6. Upon the completion of any Crime Laboratory examination, arrangements will be made, within five (5) working days, to pick the evidence up and return it to the Espanola Police Department Property Room. Upon obtaining the results of these examinations, a supplemental report will be prepared reflecting the results. A copy of the written Crime Laboratory Examination Report will be forwarded to the District Attorney's Office within two (2) days, either in person or in a Letter of Referral.
7. Upon the establishment of probable cause, the case investigator will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
8. Upon the arrest of a suspect, a written report will be prepared and submitted within eight

(8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within the two (2) days via a Letter of Referral. It should be noted that the case investigator will note, in his report his/her observations as to the conditions, events and remarks made during the investigation.

9. The case investigator will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial and prosecution. The case investigator will ensure that copies of all police reports, crime laboratory reports, medical reports and written statements are provided to the District Attorney's Office. In addition, he/she is responsible for ensuring that all diagrams, drawings and photographs required for the prosecution's case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the District Attorney's Office through the Investigation Sergeant/Lieutenant.

69.1.44 EMBEZZLEMENT

- A. During the course of the investigation, the victim of the embezzlement should provide evidence showing the dates and amount of funds or list of items involved. These dates and amounts must be documented and supported by the victim to avoid having the case investigator interrupt the victim's accounting system.
- B. The case investigator may further find it necessary to obtain a search warrant for additional evidence which supports that provided by the victim. The case investigator is responsible for determining how the search/processing is to be carried out and ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The collection of items during this search should be processed according to procedures as per Standard Operating Procedures Evidence Collection and Packaging. It should be noted that original

documents should be obtained when ever possible.

69.1.45 FORGERY

- A. The case investigator will obtain the original questioned document and preserve it in plastic as the evidence in the investigation. Only copies of the original questioned documents should be kept in the case file. The original will be submitted to the Espanola Police Property Room. These original documents should be obtained from either the victim or financial institution involved.
- B. During the course of an investigation, the case investigator may determine that financial institution records, handwriting exemplars and major case fingerprints may be required. Although sometimes these items can be obtained voluntarily, it may also become necessary to obtain a search warrant. In such cases, it must be remembered that a suspect's handwriting and fingerprints are considered physical evidence, and they may not refuse to comply with a search warrant and if they refuse, they may be compelled to provide fingerprints or a specimen.

69.1.46 FRAUD

- A. During the course of this type of investigation, the case investigator will need to obtain evidence of the suspect's conduct, practices, or representations used to intentionally misappropriate things of value. Evidence of this may come in the form of taped recorded statements by the suspect, papers showing the false services or product offered by the suspect, financial institution records or a combination of these.
- B. At times, the case investigator may require a search warrant in order to gather this evidence. The case investigator is responsible for determining how the search/processing is to be carried out and ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. What evidence is collected will be packaged and preserved as per Standard Operation Procedures Evidence Collection and Packaging.

C. It should be noted that when the detective is assigned to a case involving counterfeit monies this will be considered a fraud under state law. These cases should be referred to the United States Secret Service for investigation as soon as possible after receipt. Upon receipt of a counterfeit case, the detective will contact the United States Secret Service and make arrangements with them to pick up the counterfeit bill.

D. In cases involving multi-jurisdictional situations, it may become necessary to gain the assistance of or turn the entire matter over to the State's Attorney General's Office. This decision should be made by the Unit Commander in conjunction with the District Attorney's Office on a case by case basis.

69.1.47 AUTO THEFT INVESTIGATION

- A. The detective assigned to an auto theft case is responsible for the overall investigation and completion of the case. Each case is a separate and unique situation.
 - 1. Upon being assigned, the detective will review all reports concerning this incident in order to prepare a plan for its full and complete investigation. In addition he/she will compare this incident with other such incidents, looking for similarities that may assist in determining the identity of the perpetrator. The detective will further ensure that the information on the stolen vehicle has been properly entered into NCIC.
 - 2. The detective will identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and written or taped statements will be obtained when possible.
 - 3. The detective will seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and through confidential informants, where appropriate, in order to identify the perpetrator of the crime.

4. Once an individual has been identified as the suspect, the detective should review the subject's criminal history and evaluate his/her activities as they may relate to other crime involvement.
5. Upon the establishment of probable cause, the detective will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the district Attorney's Office detailing the suspect's involvement in the crime.
6. If assigned to investigate an incident in which a crime scene needs to be processed, the detective will ensure that the scene remains protected and secured with the assistance of uniformed patrol personnel, as needed.
7. Prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required in order to enter and investigate the scene.
8. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing being done until a search warrant can be obtained.
9. The detective is responsible for determining how the crime scene search/processing is to be carried out and for ensuring that sufficient manpower is available. The search/processing of the crime scene will be conducted within the procedures as per Departmental Directive entitled Evidence Collection and Packaging. The detective will ensure that all stolen vehicles are processed for physical evidence prior to being released to the owner.
10. The case investigator will include in his/her report all observations as to the conditions, events and remarks made during the investigation.
11. Upon the collection of evidence from a crime scene, the detective will evaluate the items collected, and determine whether they need to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken, by the detective, to the Crime Laboratory. Evidence that does not require examination will be turned into the Espanola Police Department Property Room.
12. Upon the completion of the Crime Laboratory examination, arrangements will be made within five (5) working days to pick up the evidence and return it to the Espanola Police Department Property Unit. A supplemental investigation report will be prepared reflecting the return of the evidence to the property unit and the results of the examination. A copy of all written Crime Laboratory examination reports will be forwarded to the District Attorney's Office within two (2) days.
13. The detective will ensure that upon the recovery of a vehicle reported as stolen to the Espanola Police Department, the owner will be notified of the recovery and advised of the vehicle's operational condition, in person, by telephone or when necessary by registered letter.
14. If the vehicle recovered has been reported stolen through any agency other than the Espanola Police Department, a teletype will be sent to that agency informing them of the vehicle's recovery, its operation condition, it's location and who they can contact within the Espanola Police Department regarding its return. In addition, an acknowledgment from the concerned agency will be obtained upon notification of recovery.
15. Upon the recovery of a vehicle, which was reported as a stolen vehicle through the Espanola Police Department, the officer/detective making the recovery will ensure that Radio Dispatch personnel are directed to remove the vehicle from NCIC and will verify with Radio dispatch personnel that the vehicle has, in fact, been cleared prior to his/her tour of duty.

16. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days via a Letter of Referral.
17. The detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The detective will ensure that copies of all police reports, medical reports, crime laboratory reports and written statements are provided to the District Attorney's Office. Further he/she is responsible to ensure that all diagrams, drawings and photographs required for the trial are provided in a timely manner. All District Attorney's Office follow-up request are to be answered within eight (8) days and the results turned over to the District Attorney's Office.

69.1.48 DISTRICT ATTORNEY LIAISON

- A. The Espanola Police Department must maintain good rapport and communication with all other law enforcement agencies and the courts. This is essential to the proper investigation, prosecution, defense and conviction of all cases handled by the department. In addition good rapport must be maintained with the population at large with the cooperation of public assistance agencies. The Liaison is the one link between all these and the department.

B. Agencies and Programs involved:

1. District Attorney's Office
2. District, Magistrate, and Municipal Court
3. State of N.M. Taxation and Revenue (MVD).
4. St. Vincent's Hospital
5. NM State Hospital
6. NM State Probation and Parole
7. All other Law Enforcement Agencies (i.e., Sheriff's Office, State Police, etc.)

8. Adult/Juvenile Correctional Authorities

C. Chain of Command

1. Liaison is within the Criminal Investigation Section.
2. Liaison answers to the Sergeant/Lieutenant of the Criminal Investigations Section.
3. Deputy Chief of Police.

D. The Liaison position a detective.

69.1.48 Arrest Warrant Priorities

- A. The purpose of this directive is to establish priorities and guidelines for the service of outstanding arrest warrants. Only sworn officers shall execute arrest warrants.
- B. The Investigation Liaison Detective and the Regional Communications Center Liaison will be responsible for the distribution, processing, filing, verifying and updating arrest warrants.

69.1.49 PRISONER TRANSPORT VAN

- A. The Espanola Detention Facility maintains two passenger vans for the purpose of transporting prisoners of Police personnel in special situations, requiring a greater seating capacity than normal police vehicles. Restraint belts are also in place to assure officer safety. Door locks are controlled electrically in the driver's area only and have been disabled, ensuring that they cannot be opened from inside the passenger compartment.

1. Operational Objectives

- a. To provide secure transportation of prisoners during special events.
- b. To provide secure transportation of prisoners to and from multiple arraignments.
- c. To provide secure transportation in the event of large disturbances and/or mass arrest situations.
- d. To provide an additional vehicle for personnel transport during a disaster or unusual event.

- e. To assure the availability of patrol and unmarked units during normal circumstances or situations.

69.1.50 Pre-Trial Release

- A. On Misdemeanor Arrests; See Patrol Commanders procedure for Release on Own Recognizance Releases.
- B. On all Felony Arrests; The District Attorney's Office has sole responsibility for Release on Own Recognizance Releases.

69.1.51 CRIMES AGAINST CHILDREN

- A. The Espanola Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. In order to achieve this goal the following activities are considered to be basic.
 - 1. Design and implement programs intended to prevent and control delinquent and criminal behavior by youths.
 - 2. Conduct follow-up processing of youth arrests.
 - 3. Coordinate or prepare court cases in which a juvenile offender is involved.
 - 4. Divert juvenile offenders out of the juvenile justice system and adjusting cases.

- B. All members of the Espanola Police Department are expected to have an understanding of the handling of juvenile problems, both criminal and non-criminal, and have responsibility to assist in the juvenile operation function.

69.1.52 OPERATIONS

- A. Detectives handling crimes against children will be involved in the decision-making process of all juvenile matters related to active cases.

69.1.53 IDENTIFICATION OF JUVENILES

- A. During the investigation of cases pertaining to juveniles, many forms of identification may be collected. These forms of identification include but not limited to, inked fingerprints, photographs and physical sample, such as

blood, hair, saliva and handwriting. Due to the fact that the retention and use of these materials need to be strictly controlled, the following procedures are provided.

- 1. Inked Fingerprint Cards and Photographs Will be taken of all arrested juveniles ages 13 and above at the time of their arrest. These records will be turned over to the Records Section.
- 2. The files containing the identification photograph and inked fingerprint cards will be maintained in Central Records. It should be noted that these files will be maintained separately from all adult files.
- 3. On an as-needed basis these records may be signed out by the detective for use in ongoing investigations. However, a record will be maintained as to the date, time and person who has signed them out.
- 4. Under no circumstances will these records, in part or in total, be provided to anyone outside of law enforcement or as provided by New Mexico Statute unless ordered by a court of law.

69.1.54 Other forms of Juvenile Identification

- A. During the course of an investigation it may become necessary to obtain different forms of identification based on the types of evidence that have been collected. These forms of identification, referred to as known standards, may consist of such things as hair, blood, saliva, major case prints and handwriting. These known standards are then used for comparison purposes against the collected evidence. When such known standards are required, these procedures will be as followed:

- 1. The decision to collect known standards will be on a case-by- case basis and may be obtained through the use of a properly prepared and executed search warrant or voluntarily.
- 2. Once these known standards have been collected and examined, they will be maintained with the other evidence collected in the individual investigation and

kept separate from all other evidence and maintained in the property room.

69.1.55 JUVENILE RECORDS

A. Maintenance of Files:

1. It is the policy of the Espanola Police Department to maintain juvenile arrest and identification records separately from those of adults. In order to accomplish this, all juvenile arrest and identification (photographs and inked fingerprint card) records will be maintained by the Central Records Supervisor. It shall be the responsibility of the Records Supervisor to ensure that these records are collected, disseminated and retained in order to maintain their security and confidentiality. Access to juvenile arrest and identification records will be limited to those who have a need to know as follows:
 - a. All members of the Juvenile Services Unit.
 - b. Members of the Espanola Police Department when accompanied by a member of the Juvenile Services Unit.
 - c. Other law enforcement agencies with the approval of the Unit Commander.
2. It is acknowledged that arrest reports are computerized by the Records Division of the Espanola Police Department. However the computer program used on these reports flags all information concerning a juvenile and does not allow access to this information to the general public.
3. It should be noted that in addition to the above restriction these files will also be maintained pursuant to s32-2-32 "Confidentiality of Records" NMSA.

69.1.56 Expungment and Retention of Records

- A. Juvenile records will be expunged pursuant to s32-2-26 "Sealing of Records" contained in the New Mexico Children's Code.

B. Juvenile records will be retained until the juvenile reaches the age of adulthood, at which time the records will be disposed of as follows:

1. On a monthly basis, the Records Supervisor will provide a list of all juveniles in the Central Records System who have reached adulthood.
2. The Investigations Commander will review this list and identify any person who is still pending adjudication as a juvenile.
3. The Investigations Commander will, in addition, review the list with the Juvenile Probation and Parole Office for the purpose of identifying any additional persons who are still pending final disposition of their juvenile records.
4. All files identified as pending will be retained in the School Resources Unit files until such time as they have been finalized.
5. All files identified as closed after consultation with the Juvenile Probation and Parole Office shall be removed from the active files of the Juvenile Services Unit and placed into an In- active Status File.
6. On an annual basis (by December 31 of each year) a destruction order for all In- active Status File will be obtained from the District Court and these files will be destroyed. It should be noted that at the same time computerized records will be purged.

69.1.57 JUVENILE INVESTIGATIONS

- A. The Detective assigned to investigate juvenile cases is responsible for the overall investigation and completion of the case. The detective should consider the items listed below when conducting an investigation; but he/she is not limited to these items because each case is a separate and unique incident.
 1. If assigned to investigate an incident in which a crime scene needs to be processed, the detective will ensure that the scene remains protected and secured,

with the assistance of uniformed patrol personnel as needed.

2. Prior to the actual processing of a crime scene, it will first be determined whether or not a search warrant will be required to enter and investigate the scene.
3. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until a search warrant can be obtained.
4. The case investigator is responsible for determining how the crime scene search/processing is to be carried out and shall ensure that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted in the accordance with the procedures as per Standard Operating Procedure for Evidence Collection and Packaging.
5. When assigned the case, the detective will review all reports concerning the incident in order to prepare a plan for the full and complete investigation of the incident. In addition he/she will attempt to compare this incident to other incidents looking for similarities which could assist in determining the identity of the perpetrator.
6. The case investigator will identify all victims, witnesses, and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible using the procedures of Criminal Investigation entitled Interviews. It is important to remember that the least intrusive interview is that in which the detective conducting it simply takes notes and the most intrusive is the use of a videotape.
7. The decision as to the most appropriate method to use in interviewing a victim, witness, or suspect should be made after considering the following:
 - a. Seriousness of offense.
 - b. Age and abilities of the person to be interviewed.
 - c. The evidentiary value of the interview.
 - d. The impact on the person to be interviewed.
 - e. Special circumstances which exist that may dictate the method to be used.

- G. Once an individual has been identified as the suspect, the case investigator should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
- H. Upon the establishment of probable cause, the case investigator may attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office (if suspect is an adult) or to the Juvenile Probation and Parole Office (if suspect is a juvenile) detailing the suspect's involvement in the incident.
- I. Upon the collection of evidence from the crime scene, the case investigator will evaluate the items collected to determine whether it needs to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory receipt. Evidence that does not require examination will be turned into the Espanola Police Department Property Room.
- J. Upon the completion of the Crime Laboratory examination, arrangements will be made by the case investigator, within five (5) working days, to pick the evidence up and return it to the Espanola Police Department Property Room. Further, upon obtaining the results of these examinations, a supplemental report will be made reflecting the results. A copy of the written crime laboratory examination report will be forwarded to the appropriate agency within two (2) days via a Letter of Referral.
- K. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the appropriate agency within two (2) days via a Letter of Referral. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.
- L. The case investigator will upon the completion of his/her investigation, assist the District Attorney's Office, or the Juvenile Probation and Parole Office, in the preparation of the case for trial and prosecution. The case investigator will ensure that copies of all police reports, crime laboratory reports, medical reports and statements are provided to the appropriate agency. In addition, he/she is responsible for ensuring that all diagrams, drawings and photographs required for the prosecution's case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results forwarded to the District Attorney's Office.
- M. In cases of suspected child abuse, sexual abuse or neglect, the case investigator will also contact the Children Youth and Family Department and advise them of the investigation in progress and work jointly with their investigators.
- N. When the victim in an investigation is a juvenile refer to Departmental Directive entitled Juvenile Matters for guidance.

69.1.58 CUSTODIAL INTERFERENCE

- A. When it is determined that an incident under investigation involves Custodial Interference, the case investigator will investigate the incident as in any juvenile case. However in addition to those items covered under Juvenile Investigations, the case investigator should also consider the following:
 1. If the location of the perpetrator and child is not known, the child shall be entered into NCIC and a regional teletype will be initialed as soon as possible. In addition, if the investigation indicates a specific route of travel, all law enforcement agencies along this route will also be alerted by teletype.
 2. If the location of the perpetrator and child is known, but out of the jurisdiction, the agency having jurisdiction shall be contacted for assistance.

3. If it shall be determined that the perpetrator and child have left the state of New Mexico and a warrant for the perpetrator has been obtained, the Federal Bureau of Investigation should be contacted for assistance in order to obtain a Federal Unlawful Flight Warrant.
4. If the child is gone for a protracted period of time, the case investigator will utilize any organizations, whether private or public, in an attempt to locate and recover the child.
5. A missing juvenile form shall be completed and sent to the New Mexico Bureau of Vital Statistics. (Upon return of child a cancellation juvenile form shall be submitted to New Mexico Bureau of Vital Statistics).

69.1.59 STATUS OFFENSE INVESTIGATIONS

- A. The detective assigned to Status Offense cases is responsible for the overall investigation and the completion of the case.

69.1.60 GANG RELATED INVESTIGATIONS

- A. During the course of any investigation, it may be determined that it is gang related. If this occurs, the following steps will be taken:
 1. The investigation will be conducted as appropriate for the type of crime involved and the degree of seriousness.
 2. In determining if an incident is gang related, the following criteria will be used.
 - a. An incident occurs in which participants, suspect or victim, are identified gang members.
 - b. A reliable non-paid source identifies an incident as gang related.
 - c. A source of previously untested reliability identifies an incident as gang related and this is corroborated by other circumstances or independent information.
 - When an incident is determined to be gang related, based on the

criteria above, the secondary offense of the investigation report will be entered "Gang Related Incident".

3. The following criteria shall be used to identify gang members:
 - a. An individual admits to membership in a gang.
 - b. A reliable non-paid source identifies an individual as a gang member.
 - c. A source of previously untested reliability identifies an individual as a gang member and this is corroborated by independent information.
 - d. An individual has been arrested several times in the company of identified gang members for offenses which are consistent with usual gang activity.
 - Based on the above criteria, when an individual has been identified as a gang member, a Gang Information Form will be completed and routed to the Investigations Commander.

- B. On receipt of the Gang Information Form, the Commander will review the form for its content, add any comments he/she may have regarding the form and secure the information. It should be noted that no other gang file will be maintained outside of that kept by the commander.

69.1.61 ALL REASONABLE ATTEMPTS

- A. In conducting any investigation in which the parents of juvenile needs to be contacted by "all reasonable attempts", the following actions will be adhered to in order to comply with this directive.
 1. Attempt to contact by telephone.
 2. Attempt to contact through employer.
 3. Attempt to contact in person.
 4. Attempt to contact a responsible adult, relative, neighbor, school official, or parent's employer. (Two attempts will be made).

- B. If contact can not be made using the above listed persons the District Attorney's Office will be contacted prior to interviewing juvenile suspects.
- C. It should be noted that it is the responsibility of the detective to document the contact and attempts to contact the parents in his/her report.

69.1.62 VIOLENT CRIMES: HOMICIDE, SERIOUS INJURY AND SEXUAL ASSAULT INVESTIGATIVE PROCEDURES

- A. The Detective assigned to Homicides, questionable deaths, serious injuries, stalking and sexual assaults are responsible for the overall investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation, but he/she is not limited only to these items because each case is a separate and unique incident.
- B. These Procedures will apply to all major cases defined as homicides, unexplained deaths, questionable suicides, battery in which death seems imminent and sexual assault.
- C. Upon being assigned to investigate a major case, the Detective will ensure that the crime scene remains secure and protected at all times with the assistance of uniformed patrol as needed.
- D. Prior to the actual processing of the crime scene, it will be determined whether or not a search warrant will be required in order to enter and investigate the scene.
- E. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until such time as a search warrant can be obtained.
- F. The Detective is responsible for determining how the crime scene search/processing is to be carried out and ensure that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted following the procedures contained in the Department Directive Evidence Collection and Packaging. In the case of a homicide investigation the case detective will assure that a crime scene diagram is completed along with photographic and video documentation of the scene as outlined under the directive titled Collection and Preservation of Evidence.
- G. The Detective will ensure that the District Attorney's Office is notified as soon as possible when a major case is being investigated.
- H. The Detective will ensure that the Office of the Medical Investigator is contacted as soon as possible upon the determination that there is a dead body involved in the investigation.
- I. The Detective will ensure that the next of kin is notified as soon as possible upon the victim/body having been notified.
- J. In all circumstances in which notification is to be made outside the jurisdiction of the Santa Fe Police Department a teletype will be sent to the agency concerned.
- K. This teletype will contain sufficient information surrounding the incident in order that the responsible agency can provide the victim's next of kin with information concerning the incident. In addition, this teletype will contain the name and phone number of the case investigator and will request that an acknowledgement be sent upon receipt of the teletype. This teletype will be sent out prior to the case agent's end of tour.
- L. The Detective will attend the autopsy of the victim/body of all homicide cases and unnatural deaths where it is deemed necessary, by his/her unit commander or CIS commander.
- M. The Detective will review all reports and/or department records, concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she will attempt to compare this incident with other such incidents, looking for similarities that may exist, which could assist in determining the identity of the perpetrator.
- N. The Detective will identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible.

- O. The Detective will ensure that the area surrounding the location of the crime scene is canvassed in an attempt to gain additional information.
- P. The Detective will ensure that the funeral of the victim is photographically documented because it is possible that the suspect may attend.
- Q. The Detective will seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime took place and street informants, where appropriate, in order to identify the perpetrator.
- R. The Detective will ensure that a regional teletype will be sent within twenty-four (24) hours, alerting surrounding agencies of the situation.
- S. When evidence is collected from a crime scene, the detective will evaluate the items collected to determine the need for its examination at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory, along with a completed Department of Public Safety Crime Laboratory Evidence Receipt. In cases where there is a large amount of evidence, the detective should also include an instructional sheet indicating what type of examination is required for each item. Evidence that does not require examination will be turned in to the Santa Fe Police Department Property Unit.
- T. Upon the completion of Crime Laboratory examination, arrangements will be made with five (5) days to pick the evidence up and return it to the Espanola Police Department Property Unit. Upon obtaining the results of these examinations, a supplement report will be prepared reflecting the results. A copy of the written Crime Laboratory examination report will be forwarded to the District Attorney's Office within two (2) days, either in person or through a Letter of Referral.
- U. The investigation of a major case can become a lengthy investigation; therefore, the detective will ensure that an initial report is written and submitted at the end of the first week of investigation. Supplemental reports will be submitted thereafter, as new information becomes available.
- V. If after seven days of investigation on a homicide no suspect has been developed, the detective will prepare and submit a Rocky Mountain Information Network Bulletin.
- W. The Detective will complete and submit a Violent Criminal Apprehension Program within two (2) weeks of the investigation of a homicide or criminal sexual penetration.
- X. Once the individual has been identified as a suspect, the Detective should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
- Y. Upon the establishment of probable cause, the Detective will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office detailing the suspect involvement in the incident.
- Z. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days via a Letter of Transmittal.
- AA. The Detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The Detective will ensure that copies of all police reports, medical reports, crime laboratory reports and written statements are provided to the District Attorney's Office. Further he/she is responsible for ensuring that all diagrams, drawings and photographs required for the trial are provided in a timely manner. All district Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the District Attorney's Office through the department's Liaison Officer.

69.1.63 3RD AND 4TH DEGREE FELONIES AND MISDEMEANORS

A. The detective assigned to these cases is responsible for all follow-up investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation; but he/she is not limited only to these items because each case is a separate and unique incident.

1. Upon being assigned, the Detective will review all reports concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she will attempt to compare this incident with other such incidents, looking for similarities that may exist which could assist in determining the identity of the perpetrator.
2. If assigned to investigate an incident in which a crime scene needs to be processed, the detective will ensure that the scene remains protected and secured with the assistance of uniform patrol personnel as needed.
3. Prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required in order to enter and investigate the scene.
4. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until such time as a search warrant can be obtained.
5. The Detective is responsible for determining how the crime scene/search processing is to be carried out and for ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted following the procedures set out in the Department Directive entitled Evidence Collection and Packaging.
6. The case investigator will note in his/her report all observations as to the conditions,

events and remarks made during the investigation.

7. Upon the collection of evidence from a crime scene, the detective will evaluate the items collected to determine the need for its examination at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory receipt. Further, an instruction sheet should be submitted explaining what type(s) of examination is being requested for each item.
8. Evidence that does not require examination will be turned into the Espanola Police Department Property Unit.
9. Upon the completion of Crime Laboratory examination, arrangements will be made within five (5) working days to pick up the evidence and return it to the Espanola Police Department's Property Room. Upon obtaining the results of the examination, a supplemental report will be prepared reflecting the results. A copy of the written report from the Crime Laboratory will be forwarded to the District Attorney's Office within two (2) days.
10. The detective should identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible.
11. The Detective should seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.
12. Once an individual has been identified as a suspect, the Detective should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.

13. Upon the establishment of probable cause, the Detective should attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the complete investigation report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
14. In the event that it is determined, by the Detective, that a criminal act being investigated is a misdemeanor, it will be directed to Municipal Court for review and action. The Detective should provide Municipal Court with the following documentation:
 - a. Copy of full police report
 - b. Copies of all statements taken
 - c. Municipal Court Complaint, signed by the victim
 - d. Photographs of injuries or of other evidence involved.
15. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report should detail the events involved in the investigation to this point. Once submitted, this report will be delivered to the District Attorney's Office within two (2) days.
16. The Detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The detective will ensure that copies of all police reports, medical reports, crime laboratory reports and written statements are provided to the District Attorney's Office. Further he/she is responsible to ensure that all diagrams, drawings and photographs required for the prosecution of the case are provided in a timely manner. All district Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the District Attorney's Office.

69.1.64 MISSING PERSONS CASES

- A. The detective assigned to these cases is responsible for the follow-up investigation and the completion of the case.
- B. Although a missing persons case is a non-criminal investigation, the case investigator should use care in the examination of item(s), which could become evidence in a criminal investigation upon the location of the missing person. Due to this possibility, the case investigator once assigned to investigate an incident in which a potential crime scene is involved which needs to be processed, will ensure that the scene remains protected and secure with the assistance of a uniformed patrol personnel as needed.
- C. In addition, prior to the actual processing of any potential crime scene, it will first be determined whether or not a search warrant will be required, in order to enter and investigate the scene.
- D. If it is determined that a search warrant is required, the potential crime scene will remain secure with no processing done until such time as a search warrant can be obtained.
- E. The case investigator is responsible for determining how the potential crime scene search/processing is to be carried out and ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the potential crime scene will be conducted following the procedures in the Department Directive entitled Evidence collection and packaging.
- F. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.

FOR FURTHER ASSISTANCE REGARDING MISSING PERSONS REFER TO DIRECTIVE 47.1

69.1.65 ROBBERY

- A. The Detective assigned to a Robbery case is responsible for all follow-up investigation and

completion of the case. The Detective should consider the items listed below when conducting an investigation, but he/she is not limited only to these items because each case is a separate and unique situation.

- B. Upon being assigned, the detective should review all reports concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she should attempt to compare this incident with other such incidents looking for similarities that may exist which could assist in determining the identity of the perpetrator.
- C. The Detective should identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible.
- D. In the event that a witness or victim is able to construct a composite of the perpetrator, this will be done within three (3) working days from the date of the incident. Upon obtaining a composite of the perpetrator, copies will be provided to Uniformed Patrol Officers and sent to all surrounding law enforcement agencies.
- E. In the event photographic surveillance documentation is available, the detective will ensure that photographs depicting the perpetrator are provided to Uniform Patrol Officers and surrounding law enforcement agencies.
- F. In the event of a bank robbery, the detective will ensure that the FBI is notified of the incident. Upon the arrival of FBI personnel, the investigation will be turned over to them and the detective will assist as necessary to support the FBI's investigation.
- G. The Detective should seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.
- H. In the event that during the investigation of the incident the Detective establishes that his investigation is only a part of a series of incidents, he/she should make contact with the

investigators on the other incidents and further consider the publishing of the situation in RMIN, Rocky Mountain Information Network.

- I. If assigned to investigate an incident in which a crime scene needs to be processed, the Detective will ensure that the scene remains protected and secure with the assistance of uniformed patrol personnel as needed.
- J. In addition, prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required in order to enter and investigate the scene.
- K. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until such times as a search warrant can be obtained.
- L. The detective is responsible for determining how the crime scene search/processing is to be carried out and for ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted following the procedures in the Department Directive entitled Evidence Collection and Packaging.
- M. Upon collection of evidence from a crime scene, the Detective will evaluate the items collected to determine the need for their examination at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory receipt. If there are numerous items to be examined, the Detective should provide an instruction sheet and indicating what type of testing should be done on which item.
- N. Evidence that does not require examination will be turned into the Espanola Police Property Unit.
- O. Upon the completion of the Crime Laboratory examination, arrangements will be made within five (5) working days to pick the evidence up and return it to the Espanola Police Department Property Unit. Upon obtaining the results of these examinations, a supplemental report will be prepared reflecting the results. A copy of the written crime laboratory examination report will be forwarded to the District Attorney's Office within two (2) days.

- P. Once an individual has been identified as a suspect, the Detective should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
- Q. Upon the establishment of probable cause, the Detective will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the complete investigation report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
- R. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days via a Letter of Transmittal.
- S. The detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The Detective will ensure that copies of all police reports, medical reports, criminal laboratory reports and written statements are provided to the District Attorney's Office. Further, he/she is responsible to ensure that all diagrams, drawings and photographs required by the prosecution are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the department's Liaison Officer for delivery.
- T. It should be noted that the case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.

69.1.66 On an annual basis the Criminal Investigations Section will present a written report to the Chief of Police concerning the operations of the unit in the areas of organized crime and vice interdiction.

- A. This report will cover the number of complaints received, the number of investigations undertaken and the number of arrests made.

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EFFECTIVE:	09/01/09
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PURPOSE	

The purpose of this directive is to provide guidelines and standards for police conduct when dealing with the public and departmental staff.

DISCUSSION

This policy has been adopted in an effort to continue to improve officer/citizen relations, and officer/officer relations.

POLICY AND PROCEDURE

71.1.01 OFFICER/CITIZEN RELATIONS

- A. Officers shall be dressed and groomed in compliance with departmental regulations pertaining to the officer's assignment.
- B. While interacting with the public, an officer is expected to be courteous, well mannered, respectful, and helpful in all of his/her professional dealings.
- C. An officer will address citizens as "Sir, Madam, Mr., Mrs., or Ms.," in all cases not posing life threatening situations.
- D. Officers in contact with the public will not smoke or chew tobacco.
- E. Officers will conduct themselves in a professional manner while in contact with the public. No horseplay, clowning, or swearing will be permitted or tolerated.
- F. The department is committed to establishing close ties with and responding to the needs of the community. As a result, the members of the community may be assured their needs are being met.

71.1.02 OFFICER/OFFICER RELATIONS

- A. On-duty officers are expected to interact with fellow officers and supervisors in a professional, courteous manner befitting their position and rank.
- B. While addressing an on-duty supervisor in public, the officer will address the respective supervisor by rank and last name, or by "Sir"/"Ma'am". The proper form for addressing a supervisor or commander is as follows:
 - 1. Sergeant "LAST NAME", or "SIR"/"MA'AM"
 - 2. Lieutenant "LAST NAME", or "SIR"/"MA'AM"
 - 3. Captain "LAST NAME", or "SIR"/"MA'AM"
 - 4. Chief "LAST NAME", or "SIR"/"MA'AM"
- C. Supervisor titles shall also be used, when in public, when addressing commanders of other law enforcement agencies.
- D. Commanders and supervisors are to address officers of subordinate rank in an appropriate manner as befits their position/title as follows:
 - 1. Officer "LAST NAME"
 - 2. Detective "LAST NAME"
- E. Nothing in this policy is to be construed as limiting officers or supervisors from addressing one another in private, in a manner that suits the parties involved.

Drafted (rgb) 07/09

TITLE:	USE OF FORCE
CODIFIED:	72.1
EFFECTIVE:	09/01/09
PAGES:	5
ATTACHMENTS:	1

PURPOSE

The purpose of this policy is to provide officers with guidelines on the use of force both lethal and less-lethal. The following guideline is not meant, nor can it be expected to encompass all potential incidents in which force is used. This policy is a guide to actions that might be taken, by reasonable law enforcement personnel, in similar circumstances, with similar knowledge, and/or training at the time of the incident.

DISCUSSION

The Espanola Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

POLICY

Officers shall use only the amount of force reasonably necessary to effect lawful objectives and stop those actions by any person(s) that if allowed to continue, constitute a clear and present danger to the lives and safety of themselves or others.

PROCEDURE

JUSTIFICATION FOR THE USE OF FORCE

72.1.01 Officers shall utilize information provided by the **REACTIVE CONTROL MODEL** to determine the appropriate level of response in situations requiring the use of force.

- A. Justification for the use of force must be based on what is reasonably known or perceived by the officer at the time.
- B. Facts discovered after the event, no matter how compelling, cannot be used in later determining whether the use of force was justified.

USE OF FORCE MODEL

72.1.02 In an effort to provide direction and assistance in determining the appropriate response to incidents encountered by police officers in the performance of their duties, the following guide has been adopted from the use-of-force model, developed by and for the New Mexico Law Enforcement Academy:

- A. Reactive Control Model (SEE ATTACHMENT A)

72.1.03 The model is designed and intended to provide the officer with a readily available quick reference guide to determine appropriate responses to incidents of varying threat levels. The Reactive Control Model (RCM) is to be used by the officer(s) to determine the appropriate course of action when interacting with subjects in situations that may require the use of force.

AUTHORIZATION FOR USE OF FORCE

72.1.04 Section 30-2-6, NM Statutes Annotated, 1978 comp., as amended states that:

- A. Police officers are authorized to use deadly force in order to protect the police officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury.
- B. When necessarily committed in re-taking felons when the officer has probable cause to believe that the escape will pose a significant threat to human life if not re-captured.
 - 1. Relevant factors in determining whether probable cause exists to believe that the fleeing felon will pose a significant threat to human life will include but are not limited to, the nature of the felony and whether the felon is believed to be armed.

- 2. For the purposes of this section, justifiable homicide is necessarily committed when an officer in performance of lawful duties has probable cause to believe that he/she or another is threatened with serious harm or deadly force while performing those lawful duties described in this section.
- 3. Before using deadly force, police officers shall, where feasible, identify themselves and state their intent.
- 4. **Warning shots are prohibited.**
- C. Where deadly force is not reasonable officers should assess the incident in order to determine which less lethal force or weapon will be best to de-escalate the incident, allow the officer to prevail and bring it under control.
 - 1. Police officers are authorized to use department approved less lethal force techniques and issued equipment for resolution of incidents, as follows.
 - a. To protect themselves or another from physical harm;
 - b. To restrain or subdue a resistant individual; or
 - c. To bring an unlawful situation safely and effectively under control.

SHOW OF FORCE

PURPOSE

72.1.05 Convince the subject to de-escalate

- A. If the officer can demonstrate a tactical advantage, and/or the availability of equipment to subdue an individual, the desired outcome is:
 - 1. The subject will comply with the officer's requests, or de-escalate their action when it is demonstrated that the officer is trained and prepared to use force if necessary.

72.1.06 Reduction in Reaction Time

- A. If an armed or unarmed assailant closes distance and moves from threatening to attacking, the officer must mentally "process" the attack information, draw their firearm or less-lethal option and use it in self-defense or defense of another.

- B. If the force option is still in the holster or carrier, the officer may not have sufficient time to make the decision and act before the attack is completed.
- C. When feasible, officers should warn of their intentions and that the use of force is imminent.

REPORTING USES OF FORCE

72.1.07 The Officer utilizing the force shall:

- A. Notify on duty supervisor

- B. Complete Offense Incident Report

72.1.08 On-Duty supervisor will:

- A. Investigate and submit a completed use-of-force incident report form.

- 1. A use-of-force incident report form will be completed under the following circumstances:

- a. After any application of force, creating a direct physical impact by use of firearm, baton, pepper or chemical spray, M-26 Advanced Taser, or any other approved intermediate weapon.

- b. After any empty-handed application of force, where there is direct physical impact that causes visible injury or the complaint of injury, whether visible or not.

- B. Collect and submit all evidence, as appropriate

- C. Review and ensure that the offense incident report and all required paper work is completed as per department policy and procedure

- D. Submit a copy of the investigation to the Office of the Chief of Police within 24 hours of being notified of all incidents of use of force by an officer.

72.1.09 The Internal Affairs officer shall be contacted for the purpose of initiating an investigation in any of the following instances:

- A. At the request of the Chief of Police, or his/her designee;

- B. When a use of force results in death or serious injury;
- C. When a complaint of excessive force is received and filed in accordance with departmental procedures for filing such matters.

REPORTING SHOW OF FORCE

72.1.09 A show of force will be documented and a use of force incident report will be submitted only when a firearm is directly pointed at an individual or a show of force incident that the on-duty supervisor deems necessary.

72.1.10 The Officer displaying the force shall:

- A. Notify on duty supervisor
- B. Complete Offense Incident Report
- C. Collect and submit all evidence

72.1.11 On-Duty supervisor will:

- A. Investigate and submit a completed use-of-force incident report form.
- B. Review and ensure that the offense incident report and all required paper work is completed as per department policy and procedure
- C. Submit a copy of the investigation to the Office of the Chief of Police within 24 hours of being notified of all incidents of use of force by an officer.

72.1.12 The Internal Affairs officer shall be contacted for the purpose of initiating an investigation in any of the following instances:

- A. At the request of the Chief of Police, or his/her designee;
- B. When a complaint of excessive force is received and filed in accordance with departmental procedures for filing such matters.

MEDICAL TREATMENT REQUIRED

72.1.13 Weapons

- A. Any application of force, creating a direct physical impact, by use of a firearm, baton, pepper or chemical spray, M-26 Advanced Taser, shall require the officer to have the subject examined by a qualified physician.

- 1. The examination shall occur as soon as safely possible after the application of force, and prior to incarceration or any other action.

72.1.14 Hand-to-hand Combat

A. Any application of force, where there is direct physical impact, that causes visible injury or the complaint of injury, whether visible or not, shall require the officer to have the subject examined by a qualified physician.

- 1. The examination shall occur as soon as safely possible after the application of force, and prior to incarceration or any other action.

72.1.15 Documentation of Medical Treatment

A. The subject will be asked to sign a release of medical information waiver in order for the officer to obtain copies of the physician's assessment of injuries. If the subject agrees, copies of the assessment will be obtained and attached to the officer's report.

B. In the event the subject refuses treatment, the subject will be asked to sign a treatment waiver.

- 1. If the subject agrees to sign the waiver, a copy of that waiver will be included in the officer's report.
- 2. If the subject refuses to sign the waiver, the officer will note in the offense/incident report the refusal to sign and the identification of the attending physician or nurse witnessing the refusal to sign.
- 3. The officer will obtain a medical release from the attending physician prior to transporting the subject to the detention center. A copy of the medical release shall be provided to the detention center and one retained for the offense incident report.

C. In the event that visible injuries are inflicted, the on-duty supervisor shall ensure that the injuries are photographed, with the consent of the subject.

- 1. If the subject refuses to allow photographs, this will be documented in the offense/incident report to include the

identification of any witnesses to the refusal.

DEPARTMENTAL RESPONSE

72.1.16 Deadly Force Incident

- A. When a police officer's use of force causes death or serious bodily harm, the officer shall be placed on routine administrative leave until all internal investigative requirements as outlined in the Internal Affairs policy have been met and the officer has been determined to be ready to return to duty by a qualified mental health professional.
- B. The department shall conduct an administrative investigation and comply with the policy of the District Attorney's Officer for any independent criminal investigation that may result.
- C. The department will provide all department employees the opportunity to attend a critical incident debriefing conducted by trained staff and follow up treatment or counseling.

72.1.17 Administrative Review of Critical Incidents

- A. The Chief of Police shall appoint a committee to review all use of force incidents. The committee shall be comprised of the following individuals:
 - The Internal Affairs Officer;
 - The Accreditation Manager;
 - One District Commander;
 - The Training and Recruiting Commander;
 - One line officer.
- B. All reported use-of-force cases will be reviewed by the use of force review committee to determine the following:
 1. Was the use of force appropriate/reasonable under the circumstances known at the time;
 2. Were Department rules, policy or procedures adhered to;
 3. Was the relevant policy clearly understandable and effective to cover the situation;
 4. Is current department training adequate.

C. All findings shall be reported to the Chief of Police and to the appropriate unit for resolution.

- 1. All findings and recommendations by the committee shall also be provided to the involved officer and his/her immediate supervisor.
- D. The committee is a review committee and shall be allowed to review all available information including, but not limited to:
 - Offense/Incident Report and all supplements;
 - Use of Force form;
 - Radio tapes;
 - Written or taped statements by any involved person;
 - Any evidence submitted;
 - Interview of any involved employee, if necessary to assure appropriate recommendations/findings.
- E. All use-of-force complaints shall be retained in accordance with New Mexico State archive records retention schedules.
- F. A quarterly, and an annual summary of all reviewed incidents will be compiled by the Internal Affairs Officer and provided to the Chief of Police for review. The annual summary will also be made a part of the department's annual report, published in March of each year. The department's training unit will be included and involved in the review process.

NOTICE:

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department standard should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive may result in departmental administrative sanctions.

DEFINITIONS

Deadly Force- Any use of force that is likely to cause death or serious bodily harm. The discharge of a firearm, intentionally or unintentionally, is always considered the use of deadly force.

Non-Deadly Force- Any use of force other than that which is defined as deadly force.

Reasonable Belief- The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS BODILY HARM - Includes injuries that can be described as:

- **LARGE GAPING WOUNDS**- (loss of large amounts of blood and creates potential for organs to protrude from the body);

MAJOR INTERNAL ORGAN DAMAGE- could impair the organ's life sustaining function

- (brain, heart, lungs, liver, kidneys, and the arterial system);
- **MAJOR BONE BREAKAGE**- can cause internal bleeding, nerve damage, and render a person unconscious (forearm, upper arm, thigh, lower leg, ribs, scull, and spinal column).

WEAPONS - Weapons that frequently cause serious bodily harm include firearms, cutting/stabbing/hacking instruments (edged or pointed weapons), and blunt trauma instruments (clubs, bats, pipes).

DRAFTED (rgb) 07/09

TITLE: LESS LETHAL WEAPONS

CODIFIED: 73.1

EFFECTIVE: 09/01/09

PAGES: 5

PURPOSE

To establish procedures for the availability and use of the expandable baton, OC Spray, M-26 Taser.

Less Lethal weapons are not intended to be an alternative to the use of deadly force when such use is clearly authorized and necessary.

Less Lethal options for the Espanola Police Department may vary as to their availability. The least intrusive level of force should be deployed based upon the facts/circumstances for each individual incident.

DISCUSSION

Discussed in this directive will be the type of less than lethal weapons that are authorized by the Espanola Police Department.

POLICY

Officers of the Espanola Police Department shall use physical force only when necessary for legitimate law enforcement purposes and only to the extent necessary to accomplish those purposes. To such an end, the use of the expandable baton, Oleoresin Capsicum (OC) spray, M-26 Advanced Taser, are authorized to provide officers with an alternative to the use of deadly force, when appropriate.

PROCEDURE

BATON

73.1.01 The Department issued expandable baton is the only authorized baton for use by sworn departmental personnel.

- A. The expandable baton shall be issued and carried only by officers who have completed the Department's baton training.
- B. Uniformed Officers assigned regular field duties will carry the baton as part of required equipment.
- C. Plain clothes and administrative officers will be required to have the baton readily accessible, in their police vehicles while on duty.
- D. Officers are responsible for ensuring the baton is in good condition. Broken or otherwise unserviceable batons will be replaced as soon as a defect is noted.
- E. The baton is to be used as a defensive weapon only. Its use shall be governed by departmental training criteria and the use of force policy.
- F. Use of the baton as an offensive weapon, or intentional misuse of the baton, may subject the violator to disciplinary action.
- G. The baton shall remain in the holster until such time as the officer perceives an apparent threat.

BATON TRAINING

73.1.02 Initial Certification

- A. All officers shall satisfactorily complete a 10-hour certification course on the Use of Force, use and application of the baton, prior to receiving authorization to carry the weapon.

73.1.03 Annual Certification

- A. All officers shall attend a four-hour re-certification course annually on the use and application of the baton.

Oleoresin Capsicum (OC) Spray

73.1.04 Initial Certification

- A. All officers shall satisfactorily complete a 4 hour certification course on the use of force, use and application of OC Spray prior to receiving authorization to carry OC Spray.

74.1.05 Bi-annual Certification

- A. All officers shall receive refresher training every two years on the use and application of OC Spray.

73.1.06 OC Spray shall be issued to and used only by officers who have completed the Department's OC Training

73.1.07 OC Spray is not intended to be an alternative to the use of deadly force when such use is clearly authorized and necessary.

73.1.08 When all reasonable efforts have failed to calm a person who is acting violently and presenting a definite danger to himself or others, a minimum stream may be fired at the person in accordance with the manufacturers recommendations and departmental training received.

73.1.09 The OC Spray may be used to terminate violent behavior, or the threat of violent behavior, or to aid in the apprehension of a person who resists custody, which could result in injury to the officer, other persons, or the violent individual.

73.1.10 OC Spray should not be discharged in the immediate vicinity of an infant, unless the infants life is in danger, since their respiratory system is developing and especially sensitive to irritating vapors.

73.1.11 OC Spray will normally be discharged from a distance of at least six (6) feet. Bursts any at any closer than three (3) feet may cause eye damage and should only be used in extreme conditions where serious bodily harm to the officer or other persons may be imminent.

73.1.12 Only under conditions which represent an extreme hazard (Potential threat of serious injury or death to the officer or others) will the OC Spray be used in the following manner:

- A. Prolonged discharge at any effective distance into the face of a person already incapacitated or not responding to normal application of the chemical agent formulation who is continuing an assault which may result in serious injury.
- B. Discharge of large quantities of the chemical irritant in a confined space such as a small room or closed automobile.
- C. Discharge OC Spray in close proximity of an infant.

TASER

73.1.13 It is the policy of the Espanola Police Department to utilize the Taser on individuals who:

- A. An officer has probable cause to believe have committed a violent felony and are attempting to avoid apprehension.
- B. Armed with a deadly weapon and/or has the ability to inflict bodily harm on another.
- C. Are fleeing to avoid being served with an arrest warrant, and pose a threat of injury to the officer other persons, or the individual.
- D. An officer has probable cause to believe person(s) have committed a crime and use is necessary to effect arrest and the individual is physically resisting arrest.
- E. Need to be restrained for their safety.
- F. Are attempting to actively resist or batter an officer.
- G. Are physical threats to the safety of another.

73.1.14 Taser users shall adhere to all warnings as outlined in Taser Certification.

73.1.15 In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers should assess the situations where force is warranted. Officers shall use only that force which is reasonably necessary to effect lawful objectives.

73.1.16 Officers will be trained and familiarized with the Reactive Control Model prior to use of a Taser.

TASER TRAINING

73.1.17 Initial Certification

A. All officers, whether pre-certified or not, shall satisfactorily complete the department certification course on the use and application of the Taser, prior to receiving authorization to carry the weapon. Training will be a minimum of 6 hours with a voluntary exposure for a five (5) second cycle of the taser.

73.1.18 Annual Certification

1. All officers shall attend a four-hour re-certification course annually on the use and application of the Taser.

DOCUMENTATION

73.1.19 It shall be the Policy of the Espanola Police Department to document **any** use of the Taser:

A. On duty Field Deployment:

1. Espanola Police Department Offense Incident Report
2. Espanola Police Department Use of Force report
3. Taser User Report
4. Photograph
5. If a Taser cartridge is deployed it shall be submitted as evidence as outlined in Taser Training. Probes will be disposed of properly in a marked Biohazard container
6. Officer will update User Log

B. Taser Function Test(s):

Officer will update copies of log forwarded to the Office of Chief of police on the first Monday of each month.

C. Training:

1. It shall be the responsibility of the Taser Instructor to document the following information when conducting training:
 - a. Serial number of Taser(s) utilized
 - b. All Taser Cartridges Deployed
 - c. Date and Times of Training
 - d. Personnel who attended

73.1.20 Copies of all Taser uses will be forwarded to the Office of the Chief and/or his designee for tracking and review.

DEFINITIONS

73.1.21 TASER

A. Less-lethal Conducted Energy Weapons that use propelled wires to conduct energy to a remote target, thereby controlling and affecting the central nervous system of the body.

Conducted Energy Weapons are effective because they affect the central nervous system of the human body. The human nervous system communicates by means of simple electrical impulses. The Taser sends out short duration, high voltage electrical waves or Taser-Waves or T-Waves that overpower the normal electrical signals within the nerve fibers.

B. Electro-Muscular Disruption (EMD)-EMD systems override the central nervous system and take direct control of the skeletal muscles. The Taser is an EMD system and affects the sensory and motor nervous system. The EMD systems directly cause the muscles to contract. Hence, even someone whose sensory nervous system is impaired by

drugs or alcohol will have involuntary muscle contractions.

The Taser utilizes a 26-watt system with an electrical output of 50,000 volts.

37/40 MM PROJECTILE BATON AND/OR 12 GAUGE BEAN BAG

E. 73.1.22 VACANT

73.1.23 VACANT

73.1.24 VACANT

37/40 MM Projectile Launcher and/or 12 ga. Bean Bag Round Training

73.1.25 Initial Certification

A. VACANT

B. VACANT

C. VACANT

MEDICAL TREATMENT

73.1.26 BATON

- A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.**
- B. First aid shall be rendered by paramedics and/or trained medical personnel.**
- C. After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.**
- D. Failure to provide appropriate care after exposing a person to a baton strike is considered a violation of this policy.**
- E. After-action photographs shall be taken of any individuals subjected to this measure.**

73.1.27 OC SPRAY

A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.

B. The contaminated area will be flushed with water.

1. The time between OC exposure and wash-up should be as soon as possible.

C. No officer shall apply, nor permit another person to apply oil or grease medications such as butter, cold cream, lanolin, Vaseline, lotion or salves which could trap the irritant to the skin and thereby cause blistering unless authorized by a physician.

D. Exposed areas should not be bandaged; the areas should be exposed to fresh air for evaporation.

E. Upon exposing a person to the OC Spray the officer will request Emergency Medical Technicians or Paramedics to the scene. The person exposed will be transported to the Hospital Emergency Room. The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the officer. Prior to arriving at the Emergency Room, the officer will request dispatch notify hospital staff that a person contaminated with OC Spray is being transported.

F. After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.

G. Upon arrival at the Detention Center the officer will notify jail staff that the subject and his/her clothing has been contaminated with OC Spray.

H. Failure to provide appropriate care after exposing a person to OC Spray is considered a violation of this policy.

I. After-action photographs shall be taken of any individuals subjected to this measure.

73.1.28 TASER

- A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.**

B. The affected area will be:

1. Checked by User as soon as safely possible and first aid rendered to the users level of training.
2. If Probes are discharged and penetrate the skin the User may remove the probes as outlined in Department training.
 - a. Photographs should be taken before and after removal.

C. First aid shall be rendered by paramedics and/or trained medical personnel.

D. Upon exposing an individual to the Taser in the Taser/stun mode the officer will request Emergency Medical Technicians or Paramedics to the scene. The paramedics/EMT's will assess the subject on scene, remove the probes and make the determination to transport by ambulance or by the officer, if required.

E. After the subject is treated, the officer shall obtain a signed medical release form from the attending physician for Detention Center personnel.

F. Failure to provide appropriate care after exposing a person to the Taser is considered a violation of this policy.

G. After-action photographs shall be taken of any individuals subjected to this measure.

73.1.29 37/40 mm Projectile and/or 12 Gauge Bean Bag

A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.

B. The affected area will be:

1. Checked by User as soon as safely possible and first aid rendered to the users level of training.

- a. Photographs should be taken as soon as possible.
- C. First aid shall be rendered by paramedics and/or trained medical personnel.
- D. Upon exposing an individual, the officer will request Emergency Medical Technicians or Paramedics to the scene. The person exposed may be transported to the Hospital Emergency Room. The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the officer.
- E. After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.
- F. Failure to provide appropriate care after exposing a person to the projectile baton or beanbag is considered a violation of this policy.

REPORTING

73.1.30 Officers will photograph the person's affected area as soon as possible, under normal circumstances whenever a less lethal weapon is deployed.

73.1.31 A use-of-force form shall be completed and submitted to the Office of the Chief of Police any time the expandable baton, OC Spray, Taser, is utilized as a weapon. Use-of-force forms will be completed and submitted in accordance with the use of force policy.

73.1.32 All additional deployment forms will be completed and submitted to the Office of the Chief of Police and/or to their appropriate tracking unit, I.E. Offense Incident, Criminal Complaints/Probable Cause Statements, and Taser Use Report.

73.1.33 Video recordings and/or photographs shall be submitted to the property section as evidence.

TITLE: MOTOR VEHICLE PURSUIT**CODIFIED:** 75.1**EFFECTIVE:** 09/01/09**PAGES:** 4**PURPOSE**

The purpose of this directive is to provide guidelines and delineate responsibilities governing pursuit of motor vehicles and emergency driving.

DISCUSSION

It is the intent of this policy to specify the conditions under which an officer may engage in a high speed pursuit and the conditions when the officer shall terminate a high speed pursuit.

POLICY AND PROCEDURE

It is the policy of the Espanola Police Department to pursue under the following circumstances and conditions:

DEFINITIONS**75.1.01 Vehicular Pursuit:**

A. Active attempts by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

75.1.02 Authorized emergency vehicle:

A. A vehicle of this agency equipped with operable emergency equipment as required by state statute (66-7-6 NMSA 1978 as amended). Police vehicles that do not meet the statutory requirements for an authorized emergency vehicle shall not initiate or join a pursuit in progress.

75.1.03 Primary unit:

A. The police unit, which initiates a pursuit or any unit, which assumes control of the pursuit.

B. The primary pursuit vehicle will handle all communications relating to direction of travel, suspects, descriptions and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to the primary vehicle, the secondary vehicle or the Communications Center.

C. The primary unit shall not be passed during the pursuit unless authorized by the primary pursuit unit and/or the supervisor in charge.

75.1.04 Secondary Pursuit Unit:

A. Assisting/secondary pursuit units shall:

1. Engage all emergency equipment.
2. Notify communications of his/her identity.
3. Pursue at a safe distance for back-up purposes.
4. Upon visual contact with the primary pursuit vehicle assume radio transmissions responsibility, allowing the primary unit to devote full attention to driving.
5. In the event that a secondary unit must pass the primary unit to assume the primary position, the officer shall notify the primary unit of his/her intent to pass, via police radio. Passing will only take place when it is safe to do so and only when it does not require movement into oncoming lanes of traffic.
6. Exercise due care and caution to protect lives, property and public safety. To assure this end, secondary units are to proceed at the minimum response level that will still allow effective assistance to the primary unit.

PROCEDURES**75.1.05 Initiation of pursuit:**

A. A law enforcement officer may initiate a high speed pursuit to apprehend a suspect who the officer has reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate

threat to the safety of others that is ongoing and that existed prior to the high speed pursuit;

- B. A law enforcement officer shall not initiate or continue a high speed pursuit when the immediate danger to the officer and the public created by the high speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large;
- C. When deciding whether to initiate or continue a high speed pursuit, the following factors, at a minimum, shall be taken into consideration:
 1. the seriousness of the offense for which the high speed pursuit was initiated;
 2. whether a suspect poses a clear and immediate threat of death or serious injury to others;
 3. road, weather, environmental and vehicle conditions;
 4. the amount of motor vehicle and pedestrian traffic; and
 5. knowledge of the suspect's identity, possible destination and previous activities that may make apprehension at a later time feasible; and
 6. No more than two law enforcement vehicles shall become actively involved in a high speed pursuit, unless specifically authorized by a supervisor.

PURSUIT OPERATIONS

75.1.06 NMSA 1978 section 66-7-6 authorizes emergency vehicle to deviate from adherence to the state traffic code. However, it does not relieve the driver of an authorized emergency vehicle from the duty to drive with the due regard for the safety of others. This statutory privilege is also conditional, based upon the existence of an actual emergency, use of adequate warning devices, and the continued exercise of due care and caution for the safety of others.

75.1.07 Upon engaging in a pursuit, the pursuing vehicle shall activate all appropriate warning equipment, to include the siren. The driver of an

unmarked vehicle or a police vehicle without roof mounted light bars shall insure all standard installed emergency equipment is utilized.

75.1.08 Upon engaging in pursuit, the officer shall notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The officer shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the primary radio channel of non-emergency traffic, and relay necessary information to other officers, agencies and jurisdictions.

75.1.09 When engaged in pursuit, officers shall not drive with reckless disregard for the safety of other road users or pedestrians.

75.1.10 Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.

75.1.11 The primary pursuit unit shall become the secondary unit when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibilities. This would apply to marked police vehicles assuming primary duties from an unmarked police vehicle or a police motorcycle.

SUPERVISORY RESPONSIBILITIES

75.1.12 When made aware of a vehicular pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure the proper procedures are being used, and shall have the discretion to terminate the pursuit.

75.1.13 Where possible, a supervisory officer shall respond to the location where a vehicle has been stopped following a pursuit.

PURSUIT TACTICS

75.1.14 Officers shall not follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation

without unreasonable hazard to other vehicular or pedestrian traffic.

75.1.15 Patrol units having the most prominent markings and emergency lights shall be used as the primary and secondary units. Unmarked units may pursue vehicles as a primary unit only until the arrival of a marked unit, if they meet the statutory requirements of an authorized emergency vehicle.

75.1.16 The unmarked unit will continue as the secondary unit until an additional marked unit arrives. Upon the arrival of the marked unit, the operator of the unmarked vehicle shall terminate their involvement in the pursuit.

75.1.17 All intervention tactics, short of deadly force, such as spike strips, tactical intervention techniques or P.I.T. (pursuit intervention technique) and low speed channeling (with appropriate advance warning) should be used in areas where deployment of these tactics can be done in a reasonably safe manner, without unnecessarily endangering life or property. The tactic(s) should be commensurate to the actions of the person being pursued and the violation the person is being pursued for. Only those individuals who are properly trained in these individual techniques shall be authorized to implement the tactic(s) in order to attempt to stop a pursued vehicle.

75.1.18 Use of roadblock, ramming or boxing in a suspect vehicle, shall be governed by this agency's use of force policy and supervisor approval.

75.1.19 Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

TERMINATION OF THE PURSUIT

75.1.20 The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.

75.1.21 The pursuit may be terminated by the primary pursuit unit at any time.

75.1.22 A supervisor may order the termination of a pursuit at any time.

75.1.23 A pursuit may be terminated if visual contact with the suspect vehicle is lost for more than ten (10) seconds, suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, or apprehension at a later time is feasible.

INTER-JURISDICTIONAL PURSUITS

75.1.24 The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line. The supervisor controlling the pursuit shall direct radio dispatch to initiate coordination and request for assistance with the agencies of jurisdiction and relay the information to pursuing units as soon as possible.

75.1.25 Pursuit into a bordering state shall conform to the law of both states and any applicable inter-jurisdictional agreements.

75.1.26 When a pursuit enters this jurisdiction, the action of officers shall be governed by the policy of the officers' own agency, specific inter-local agreements and state law as applicable. Assistance with the pursuit will be accomplished in accordance with this pursuit policy after receiving supervisor approval.

AFTER-ACTION REPORTING

75.1.27 Whenever an officer engages in a pursuit, the officer shall file a written report on the appropriate form detailing the circumstances of the pursuit. This report shall be critiqued by the appropriate supervisor to determine if policy has been complied with and to detect and correct any training deficiencies.

75.1.28 The department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

TRAINING

75.1.29 Officers who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy, emergency driving techniques and safe driving tactics.

Revised (rgb) 07/09

TITLE: LEGISLATOR AND DIPLOMATIC IMMUNITY/FOREIGN NATIONAL CONSULAR NOTIFICATION

CODIFIED: 76.1

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PURPOSE

To establish procedures for dealing with individuals who have been granted diplomatic status by the Department of State and to ensure those persons who are considered Foreign Nationals are accorded all rights that have been granted by the United States of America, either by treaty or legislation. To establish and clarify U.S. Immigration Laws that pertain to aliens that members of the Espanola Police Department may come in contact with.

DISCUSSION

International Law, to which the United States is firmly committed, requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. Most of those privileges and immunities are not absolute and law enforcement officers retain fundamental responsibilities to protect and police the orderly conduct of persons in the United States.

POLICY

It is the policy of the Espanola Police Department to address situations involving persons entitled to privileges and immunities in the United States who are involved in criminal or traffic law violations. This directive is designed to address those situations. When proper identification is available, the individual's immunity should be fully respected.

In all situations involving foreign diplomats, consular officials, and legislators, the on-duty commanding officer or supervisor will be contacted and will proceed to the officer's location to give assistance, if

necessary. The on-duty commanding officer/supervisor shall also contact the Lieutenant, who in turn will be responsible for notifying the Chief's office in the event that an arrest of a foreign diplomat, consular official, or legislator is to be made.

PROCEDURE

76.1.01 STATE OF NEW MEXICO LEGISLATORS

- A.** Article IV, Section 13 of the Constitution of the State of New Mexico provides that "Members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and on going to and returning from the same. And they shall not be questioned in any other place for any speech or debate or for any vote cast in either house."
- B.** The New Mexico Attorney General has issued an opinion that this constitutional provision does not prevent a legislator from being arrested "for even the most minor criminal offense" (N.M.A.G. Op. No. 93-04). The only immunity is from civil arrest for violation of certain court orders. Legislators should be treated the same way as any other person who commits a crime.

76.1.02 FOREIGN DIPLOMATS/CONSULAR OFFICIALS

A. Verifying Diplomatic Immunity

- 1.** When a police officer is confronted with a person claiming immunity, official Department of State identification should be immediately requested in order to verify the person's status and immunity.
- 2.** Should the individual be unable to produce satisfactory identification, and the situation would normally warrant arrest or detention, the officer should inform the individual that he will be detained until proper identity can be confirmed.

B. Matricula Consular

1. The Mexican Ministry of Foreign Affairs, as a part of the integral Program for the Improvement of the Consular Services, issued a new higher security Consular ID, called "Matricula Consular de Alta Seguridad" or MCAS. The main MCAS security backs are either visible or invisible security features.
2. Visible security features:
 - a. Green security paper, with special security pattern.
 - b. "Advantage seal", with a Mexican Official seal that appears over the bearer's picture that changes color from green to brown when seen with natural light.
 - c. Infra red band on back of the MCAS.
 - d. Using fluorescent-light lamp, you are able to read SRE all over the front of the MCAS.
3. Invisible security features:
 - a. In order to reveal the invisible MCAS security marks, a special decoder is needed. Using this decoder you can see the following on the front of the card:
 - The word Mexico written at the left side of the MCAS, next to the bearer's picture.
 - The legend "MATRICULA CONSULAR CONSULAR ID CARD", written at the bottom of the MCAS.
4. Officers shall NOT request proof of immigration status. Requests shall be for proof of identification. The "Matricula Consular de Alta Seguridad" is an acceptable form of identification, as is any

other form acceptable in the State of New Mexico.

C. Diplomatic Officials

1. Ambassadors and ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These officials are usually located either in Washington, D.C. or in New York City, New York.
2. Diplomatic officials, members of their families and their administrative and technical staff who are not nationals of the United States, have full immunity from arrest, detention, or prosecution for any criminal offense unless such immunity is expressly waived by the sending State. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official functions.

D. Consular Officials

1. Under prevailing international law and agreement, e.g., The 1961 Vienna Convention on Consular Relations, a foreign career consular officer is not subject to arrest or detention pending trial except in the case of a grave crime (a felony offense that would endanger the public safety). His/her immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

E. Offenses Involving Family Members of a Consular Officer

1. Family members of a consular officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. Family members shall be treated with the appropriate courtesy and respect.

F. Honorary Consuls

- These individuals are not immune from arrest or detention; they are not entitled to personal immunity from civil and criminal jurisdiction except as to official acts performed in the exercise of their consular functions.

G. Foreign Nationals and Immigration Laws

- Officers of the Department of Homeland Security (DHS) have the sole authority to interrogate any alien or person believed to be an alien as to the individual's right to be in the United States. They also have the exclusive power to arrest any Foreign National found to be in the United States in violation of any law or regulation regarding the admission, expulsion or exclusion of aliens. Immigration and Customs Enforcement (ICE) falls under the authority of DHS.
- Concerning federal immigration laws, the City of Espanola declares that "no municipal resources will be used to identify or apprehend any non-citizen resident on the sole basis of immigration status, unless otherwise lawfully required to do so."
- If a person is arrested and detained by this Department for any violation other than immigration laws, and in the course of the investigation it is learned the subject is an illegal alien, this information may be forwarded to DHS/ICE under the following guidelines:
 - The Shift Supervisor must first contact a Commander for approval to notify DHS/ICE.
 - DHS/ICE may be notified in cases of Concealing Identity, Identity Theft, a violent crime against another person, Human Trafficking, Narcotics Trafficking, Gang Activity, Organized Crime Organizations, and other felonious crimes.

- Notifications will be documented in an Offense/Incident Report.
- No persons will be held on immigration charges unless written authorization (I-247 detention form) is received from DHS/ICE.
- Except in exigent circumstances, cooperation with DHS/ICE or Border Patrol must be approved by a Commander.
 - A Commander may approve authority in the following circumstances:
 - Law Enforcement Safety or Public Safety.
 - Joint investigations of criminal activity.
 - As outlined in paragraph 3 (b).

H. Traffic Violations

- Stopping a diplomatic or consular official and issuing a traffic citation does not constitute an arrest or detention, and is permissible even if immunity bars any further action at the scene. Officers may stop diplomats or consuls committing moving violations and issue a citation if appropriate. The diplomat or consul shall not be required to sign the citation.
- The primary consideration in stopping a driver for Driving Under the Influence is to see that the driver is not a danger to himself/herself, or the public.
- Sobriety tests may not be required. Based upon a determination of the circumstances, the following options are suggested.
 - Take him/her to a telephone so that he/she can call a relative or friend to come for him/her.
 - Arrange for transportation to his/her home or office.
 - He/she may be voluntarily transported to the station or other location where

he/she can recover sufficiently to enable him/her to proceed safely.

I. Requirements pertaining to Foreign Nationals

1. Whenever a foreign national is arrested or detained in the United States there are legal requirements to ensure that the foreign national's government can offer him/her appropriate consular assistance. In most all cases, the foreign national must be told of the right of consular notification and access. In most cases, the foreign national then has the option to decide whether to have consular representatives' notified of the arrest or detention. In other cases, however, the foreign national's consular officials must be notified of an arrest and/or detention regardless of the foreign national's wishes. Whenever a foreign national is taken into custody, the detaining official should determine whether consular notification is at the option of the foreign national or whether it is mandatory.

J. Notification at the Foreign National's option

1. In all cases, the foreign national must be told of the right of consular notification and access. The foreign national then has the option to decide whether he/she wants consular representatives notified of the arrest or detention, unless the foreign national is from a "mandatory notification" country.

K. Mandatory Notification

1. In some cases, "mandatory notification" must be made to the nearest consulate or embassy "without delay", "immediately", or within the time specified in a bilateral agreement between the United States and a foreign national's country, regardless of whether the foreign national requests such notification. The foreign national should be informed that notification has been made and advised that he/she may also specifically request consular assistance from his or her consular officials.

2. Mandatory notification requirements arise from different bilateral agreements whose terms are not identical.

L. Suggested statements to Arrested or Detained Foreign Nationals

1. When Consular Notification is at the foreign national's option:
 - a. As a non-U.S citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular official's, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?
2. When Consular Notification is Mandatory
 - a. Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

M. Consular Access to Detained Foreign Nationals

1. Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his/her consular representative must be

forwarded by the appropriate local officials to the consular post without delay.

2. Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national, however, if the national opposes their involvement. In addition, consular officers may not act as attorneys for their nationals.
3. The rights of consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours. Federal, state, and local rules of this nature may not, however, be so restrictive as to defeat the purpose of consular access and communication. Such rules "must enable full effect to be given to the purposes" for which the right of consular assistance has been established.

NOTE: The above requirements are set out in Article 36 of the Vienna Convention of Consular Regulations (VCCR).

N. Deaths of Foreign Nationals

1. If federal, state, or local government officials become aware of the death of a foreign national in the United States, they must ensure that the nearest consulate of that national's country is notified of the death. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death

and that the death is known for estate purposes in the foreign national's country.

NOTE: The above requirements are set out in Article 36 of the VCCR.

O. Appointments of Guardians or Trustees for Foreign Nationals

1. Whenever a probate court or other legally competent authority considers appointing a guardian or trustee with respect to a foreign national who is a minor or adult lacking full capacity, the nearest consular authorities for that national's country must be informed without delay. The legal procedures for appointment of a guardian or trustee can proceed, but—if possible without prejudice to the appointment process—the consular authorities should be permitted to express any interest their government might have on the issue.

NOTE: The above requirements are set out in Article 37 of the VCCR.

P. Mandatory Notification Countries and Jurisdictions;

Antigua and Barbuda Malta
 Armenia Mauritius
 Azerbaijan Moldova
 Bahamas Mongolia
 Barbados Nigeria
 Belarus Philippines
 Belize Poland (non-permanent residents only)
 Brunei Romania
 Bulgaria Russia
 China 1 Saint Kitts and Nevis
 Costa Rica Saint Lucia
 Cyprus Saint Vincent and the Grenadines
 Czech Republic Seychelles
 Dominica Sierra Leone
 Fiji Singapore
 Gambia Slovakia
 Georgia Tajikistan
 Ghana Tanzania
 Grenada Tonga
 Guyana Trinidad and Tobago
 Hong Kong 2 Turkmenistan

Hungary Tuvalu
 Jamaica Ukraine
 Kazakhstan United Kingdom3
 Kiribati U.S.S.R.4
 Kuwait Uzbekistan
 Kyrgyzstan Zambia
 Malaysia Zimbabwe

- Notification is mandatory for persons carrying “Republic of China” passports issued by Taiwan.
- Hong Kong is now the Special Administrative Region (SAR) notification must be made to Chinese officials in the same manner as Chinese passports.
- British dependencies also covered are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. These persons carry British passports.
- Although the U.S.S.R. is no longer in existence, some of the nationalist successors may still be travelling on these passports. Notification should be made to the Successor State.

Q. A list of embassies and consulates in the United States, with their telephone and facsimile numbers will be made available to E-911 Dispatch and Team Commanders, as well as on the U.S. Department of State web site: travel.state.gov/notification1.html

76.1.03 MILITARY PERSONNEL

- A.** Military personnel are not immune from being cited, arrested or detained. They shall not be entitled to any personal immunity from civil or criminal action.
- B.** If military personnel are from outside the state of New Mexico, the officer will be responsible for checking to ascertain if the violator is from a state in the Nonresident Violator Compact or not, and follow the above guidelines for whichever situation applies. Military personnel cited on traffic violations covered under the Penalty Assessment Program will be afforded the opportunity to accept the Penalty Assessment.

76.1.04 NON-RESIDENTS OF NEW MEXICO NON-RESIDENT VIOLATOR'S COMPACT (NRVC)

- A.** Out-of-state drivers are not immune from being cited, arrested, or detained. It is, however, the policy of the Espanola Police Department to abide by the procedures set forth in the Non-Resident Violators Compact when citing out-of-state drivers for traffic violations.
- B.** If the traffic offender resides and is licensed to drive outside the state of New Mexico and in a state that participates in the Nonresident Violator's Compact (NRVC), the officer will cite the offender in the same manner as a resident. The Compact allows a nonresident to proceed on his/her way after receiving a citation and the citation will be honored by the state in which the violator is licensed to drive. Refer to the list of states participating in the NRVC, which is located at the end of this directive.
 - 1.** Types of citations covered by the Nonresident Violator Compact (NRVC) are those moving traffic citations which, in and of themselves, do not carry suspension or revocation penalties nor do they require arrest.
 - C.** Certain moving offenses are not covered by the Nonresident Violator Compact, since traffic laws vary from state to state. In these cases the citing officer shall allow the violator to post bond at the Espanola Police Station, or allow the violator an immediate appearance before the Municipal Judge (during regular court hours). Citations not covered by the NRVC are:
 - 1.** offenses which mandate personal appearances;
 - 2.** moving traffic violations which alone carry suspension or revocation penalties;
 - 3.** equipment violations;
 - 4.** inspection violations;

- 5. size and weight violations;
- 6. parking violations;
- 7. transportation of hazardous material violations;

D. If a non-resident of New Mexico commits a violation which by law requires arrest of the individual, the officer shall take action in accordance with department directives regarding arrest, transportation, and booking of prisoners. Situations requiring arrest are:

1. When the violation alleged is Driving While Under the Influence of Intoxicating Liquor or Narcotic Drugs, or
2. When the person is charged with failure to stop in the event of an accident causing death, personal injuries, or damage to property, or
3. When the arresting officer has probable cause to believe the person arrested has committed a felony.

NOTE: Non-residents of New Mexico cited for traffic violations listed on the Penalty Assessment Schedule will be provided the opportunity to pay the Penalty Assessment. Procedures outlined under "Patrols Traffic Procedures-Traffic Stops".

76.1.05 NON-RESIDENTS OF NEW MEXICO NOT PARTICIPATING IN NRVC

A. If the violator is not from one of the participating states, the officer must contact a commander and have the violator post bond. If the Municipal Judge is available, the officer may escort the violator before the judge for an immediate appearance in lieu of posting bond.

76.1.06 NON-RESIDENTS OF THE DEPARTMENT'S SERVICE AREA

A. If a traffic offender is a New Mexico resident, but does not reside within the department's jurisdiction, the officer will issue the necessary

citations and, unless there is an arrestable offense, will allow the violator to leave the area.

76.1.07 IMMEDIATE APPEARANCE

A. Nonresidents can be arrested and transported before a judge when the person demands immediate appearance, refuses to give his/her written promise to appear in court, refuses the penalty assessment, or acknowledge receipt of a warning notice. Immediate appearance must be granted by the judge and it must be during regular court hours. Commander/supervisor approval is required for officers to exercise this alternative.

*76.1.08 JUVENILE
TRAFFIC OFFENDERS*

A. Juvenile traffic offenders are covered under the Juvenile Reporting System, Traffic Offenses in the document entitled "Juvenile Matters".

GLOSSARY:

DIPLOMATIC IMMUNITY - Persons given certain privileges based upon their governmental position or status. This can/may include the privilege to be free from arrest, citation, or charging prior to decision by a judge or competent authority. Examples: Foreign dignitaries, consular officials, etc.

LEGISLATORS - A person elected to serve as a member of the New Mexico State Senate or House of Representatives.

NON-RESIDENT VIOLATORS COMPACT - An agreement between states to honor charges/violations of law by another state.

STATES PARTICIPATING IN THE NRVC

Alabama, Louisiana, North Dakota, Massachusetts, Arkansas, Maine, Pennsylvania, Colorado, Maryland, Oklahoma, Connecticut, Ohio, Delaware, Minnesota, Rhode Island, District of Columbia, Mississippi, Florida, Texas, South Carolina, Missouri, South Dakota, Georgia, Nebraska, Tennessee, Illinois, New Hampshire, Indiana, New Jersey, Utah, Iowa, New Mexico, Vermont, Kansas, New York, Virginia,

Kentucky, North Carolina, West Virginia and Wyoming

STATES NOT PARTICIPATING

Alaska, Idaho, Oregon, Arizona, Michigan, Washington, California, Montana, Wisconsin, Hawaii and Nevada

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PURPOSE

The purpose of this directive is to establish guidelines and to encourage, promote and maintain cooperation between the Department and the various Civil and Criminal Justice Agencies with which the Department deals.

DISCUSSION

Effective interagency cooperation, coordination and planning are indispensable assets which result in a competent and effective service to the public.

POLICY

It is the policy of the Espanola Police Department to ensure that personnel appear for court and motor vehicle hearings. The Police Executive Secretary will be responsible for routing of subpoenas, hearing notices, and related correspondence to the appropriate commander(s) in charge of the personnel affected.

PROCEDURE

80.1.01 NOTIFICATION TO COURTS OF VACATION AND COMPENSATORY TIME

A. Personnel who have cases pending in Federal, District, Magistrate or Municipal Court will notify the police executive secretary of their intent to take vacation leave by presenting their approved copy of the bi-weekly leave form.

B. This requirement does not apply when personnel take four (4) days vacation or compensatory time or less, on short notice. It also does not apply if the officer is on approved emergency leave. In these cases, personnel are not relieved of their responsibility to appear in court when properly notified.

C. In cases of emergency leave concerning illness, death in the family, etc., the officer will advise the court and make a request for either a delay in proceedings, re-scheduling of the mandated appearance, or other such arrangements.

D. The executive secretary will make every effort to assist the affected personnel in scheduling difficulties on a case-by-case basis.

E. When personnel are transferred, or their days off are changed, they will contact the court and schedule a new hearing date, when possible.

80.1.02 COURT AND MOTOR VEHICLE DIVISION HEARING ATTENDANCE

A. All personnel directed to appear in court must appear and be prepared to testify. A special court notice or a subpoena is considered as an instruction to appear. Criminal case subpoenas shall be honored regardless of whether they are requested by the prosecution or defense attorneys.

B. Notices of Motor Vehicle Division (M.V.D.) hearings fall within the definition of court notices and will be treated as such.

C. When personnel receive special court notices, subpoenas, or M.V.D. hearing notices requiring simultaneous appearances, the higher court notice shall take precedence between courts, and courts shall take precedence over M.V.D. Hearings. Personnel shall notify the lower court of the second subpoena and shall attend the court of higher jurisdiction. The executive secretary will also be notified and a copy of the subpoena or court order will be presented to her, or directly to the court. If it is given directly to the court, the secretary must still be notified.

D. When personnel are scheduled for court or M.V.D. hearings and are unable to appear because of unforeseen conditions, they shall

notify the court at the earliest possible time, prior to the scheduled appearance, as follows:

1. Municipal Court notifications can be made by contacting the Office of the Court, Monday thru Friday, 0900 to 1700 hours.
 - a. In the event that the defendant is represented by counsel, both defense and prosecuting attorneys must be notified and agree to the rescheduling of the hearing. In all cases, Municipal Court will be notified in writing, in addition to any verbal or telephonic notification.
2. District Court or Grand Jury notifications can be made by contacting the Assistant District Attorney named on the subpoena and/or the police liaison officer, Monday thru Friday, 0800 to 1700 hours.
3. Federal Court notification can be made by contacting the United States Attorney's Office in Albuquerque, New Mexico, Monday thru Friday, 0800 to 1700 hours.
4. M.V.D. hearings notification can be made by contacting the executive secretary officer directly. In no case will the officer or supervisor contact or try to contact the hearing officer and/or M.V.D. directly to reschedule a hearing.
- E. When personnel miss any court session or M.V.D. hearing for which notice was given, the person's immediate supervisor or commander shall initiate the following disciplinary action. Absent any mitigating circumstances, the following sanctions shall be imposed:
 1. An Oral Reprimand (documented) for the first incident in a consecutive twelve (12) month period.
 2. A Written Reprimand for the second incident in a consecutive twelve (12) month period.
 3. A suspension without pay for one (1) to three (3) days for the third and subsequent incidents within a consecutive twelve (12) month period.

80.1.03 COURTRoom ATTIRE

- A. Male officers, not in uniform, who appear or testify in any court, shall be attired in a dress suit or sport coat, slacks, and a tie. Female officers, not in uniform, shall be attired in pantsuits, dress suits, dresses, dress pants, or skirt and blouse. Dress shoes or dress boots shall be worn by both male and female officers. Weapons are not to be in sight while in civilian clothes. If officers are called to court on short notice, they may wear working attire.
- B. To assist officers in obtaining appropriate attire, clothing allowance funds should be used to purchase a "court suit". Uniformed officers are cautioned to assure that sufficient funds remain to purchase the necessary quantity of uniforms to meet duty standards.
- C. Denim blue jeans, T-shirts, tennis shoes, hats, and other such improper attire will not be permissible while at court proceedings.
- D. Officers shall have the option of wearing their uniform when attending court, whether on or off duty; however, they shall not wear "Streetgear", "B.D.U.'s" or other utility type uniforms. (also see directive 88.1.12)

80.1.04 COURTRoom DEMEANOR

- A. When notified by subpoena (or notice is given in writing/by telephone), of a court appearance, pretrial conferences, or meetings with defense attorneys, personnel will be punctual, have the case properly prepared, and the evidence is to be suitably arranged for presentation.
- B. Personnel shall show the utmost attention and respect for the court. When giving testimony, they shall speak calmly and in a clear and audible tone. Personnel shall testify truthfully, confining their testimony to the case before the court, and not offering their opinions unless asked for during testimony.
- C. It is the supervisor's duty to track officers/detectives prosecution rates. Appropriate disciplinary actions and/or referrals to remedial training will be made when sworn members exhibit a pattern of dismissals on their cases due to lack of proper investigation or preparation by the officer.

80.1.05 CONFERRING WITH ATTORNEYS

A. Civil Cases

1. Officers shall cooperate with private attorneys on civil cases in which the City of Espanola either has an interest or has no interest, after first consulting with the City Attorney or his/her designee. In cases where there may be a claim against the City of Espanola, the Office of the City Attorney will be notified for guidance and consultation before speaking with a private attorney.
2. At no time will any employee consult with, meet, or otherwise discuss any case with anyone outside of the Espanola Police Department, whether pending or otherwise, without prior consultation with the City Attorney, regardless whether the case involves the City of Espanola as either a defendant or plaintiff and regardless if the member is a witness or otherwise involved with the case. This does not preclude an employee from conferring with his/her private attorney for the purpose of obtaining legal guidance or representation.
3. No records, files, reports or other written documentation shall ever be turned over to anyone not authorized to review them without consultation with the Office of the City Attorney. There will be no deviation from this directive, and failure to comply will result in disciplinary action against the employee(s).
4. On-duty officer(s) shall not respond to any questions from attorneys by telephone, but instead, shall direct the attorney to the Office of the City Attorney for their question(s), and shall then immediately notify the City Attorney of the impending request, and give the City Attorney the name and phone number of the requesting Attorney.
5. When a conference with an outside attorney is more appropriate, on or off-duty, employees/members shall confer with City Attorneys regarding civil cases. The District

Attorney's office will be contacted in all criminal cases.

6. No overtime and/or compensatory request forms will be accepted by supervisors for off-duty conferences between officers and attorneys on civil cases, unless the civil case involves the City of Espanola and is in compliance with this directive. Final approval will be by the Chief of Police or designee.

B. Criminal Cases

1. Officers will meet with defense attorneys when requested to do so. Officers should not meet with a defense attorney however, unless the assigned Assistant District Attorney or City of Espanola Attorney has been briefed on the intended meeting and has been given the option of attending.
2. If the assigned Assistant District Attorney or City Attorney does not wish to be present and an officer still feels that presence of the Assistant District Attorney or City Attorney is necessary, the officer should contact the chiefs office. The Chief or Deputy Chief will appeal the decision to the Assistant District Attorney's supervisor or to the City Attorney's supervisor.

80.1.06 CONFLICT OF INTEREST TESTIMONY

- A. Personnel who are requested or subpoenaed to testify in any case in which they have not been involved in as a witness, victim, investigator, or reporting officer, will determine what testimony is being sought.
- B. If it appears that any testimony will be directed against another officer or law enforcement agency, personnel will contact the office of the Chief of Police so that arrangements may be made with the Office of the City Attorney, prior to giving any testimony or deposition.

80.1.07 WITNESS FEES

- A. Officers who are called to testify in civil cases as a witness are eligible to receive witness fees calculated at the accepted rate per hour. The

following shall be adhered to in regards to collection/acceptance of witness fees:

1. If an officer is scheduled to attend the hearing or trial while on regular duty, he/she shall remit any fees collected to the Espanola Police Department because the officer is receiving his/her regular salary, as regular salary will be paid.
2. If an officer is called to testify during his/her regularly scheduled time-off, the officer may accept the witness fee but shall not put in for overtime pay. Double payment shall not be allowed.
3. In the event that a member utilizes his/her personal vehicle to travel to/from the hearing(s), the member may accept mileage fees disbursed by the court. The Espanola Police Department shall not pay mileage, unless prior approval is obtained and/or in accordance with City Procedures regarding travel mileage.

Drafted (rgb) 08/09

**TITLE: ISSUANCE/VOIDING/DISPOSITION
OF CITATIONS**

CODIFIED: 81.1

EFFECTIVE: 09/01/09

PAGES: 2

PURPOSE

The purpose of this directive is to establish proper procedures governing the issuance, loss, issuance in error, spoilage, theft, voiding and disposition of citations.

DISCUSSION:

The proper control and handling of citations is essential in maintaining the integrity and accountability of the citation process.

POLICY AND PROCEDURE

The following procedures shall apply to all citations issued by members of the Espanola Police Department, to include: Uniform Traffic, Parking, Misdemeanor, and DUI.

81.1.01 TRACKING CITATIONS

- A. The Records Supervisor is charged with ordering, logging, and maintaining sufficient stock of all citations issued by the Espanola Police Department. Upon receiving a shipment of citations, the Records Supervisor shall enter all numbers into the digital citation log in preparation for disbursement of books to various personnel.
- B. When batches of citations are disbursed to personnel, the name of the component will be entered into the citation log to track each citation.

- C. Commanders/supervisors shall maintain a citation log for their personnel.
- D. Once the member has issued a citation(s), all remaining copies of that citation shall be returned to the Records Supervisor.
- E. The Records Unit shall log the citation(s) into the computer, then route the citation to Municipal or Magistrate Court.
- F. Once a disposition has been rendered in Municipal or Magistrate Court, that disposition shall be entered into the computer. Records personnel shall then have access to the documentation of the final disposition which becomes a permanent record.
- G. Purging of citations shall be completed in accordance with New Mexico State Law.

81.1.02 LOST OR STOLEN CITATIONS

- A. In the case of lost or stolen citations, a memorandum shall be prepared by the responsible officer/member to the Chief of Police and submitted through his/her chain of command. The memorandum needs to include the circumstances surrounding the loss or theft and indicate the numerical sequence of the citation(s).
- B. The receiving commander shall countersign the memorandum and then route the memorandum to the office of the Chief of Police.
- C. The receiving commander shall log the citation number for the lost or stolen citation(s) in their citation log to assure accountability for the citation(s).

81.1.03 VOIDED CITATIONS

- A. Citations spoiled or issued in error shall be marked "VOID" clearly across the face of the affected document in large bold letters, ensuring that all copies have been properly marked as such.

- B. A memorandum shall be directed to the office of the Chief of Police through the chain of command, noting the citation number voided, the reason for such action, and whether another citation was issued in place of the voided citation. The memorandum shall be prepared by the issuing officer/member providing justification for the actions. The memorandum shall be countersigned by the member's commander/supervisor or, if unavailable, another division/unit commander.
- C. A copy of the voided citation shall be attached to the memorandum and routed to the office of the Chief of Police. The receiving commander/supervisor shall also log the citation as voided in the citation log to assure accountability for the citation. All requests to the Municipal Court for a void or deletion of a citation must be routed through the Chiefs Office for approval before submission to Municipal Court for consideration.

81.1.04 AMENDED/DISMISSED CITATIONS

- A. Amended citations shall be logged in the citation log as originally received. Any amendments to the citation shall be completed first with the approval of the Chief of Police before being submitted to the Municipal Court Judge for consideration. The citation shall be logged as amended in the Records Division once a disposition is received.
- B. Municipal citations may only be dismissed on the authority of the Municipal/Magistrate Judge; when that disposition is returned to the Records Division, it shall be logged as a dismissal.
- C. Commanders and supervisors shall keep track of all citations that are dismissed. When a supervisor observes a pattern of dismissal based upon inadequate investigation, preparation, or presentation of a case, he/she shall be responsible for noting documented deficiencies in the officer's performance appraisal. Patterns such as this shall also be reported to the Training Section with a recommendation for

remedial/additional training for the officer(s) in question.

81.1.05 CITATIONS

- A. A copy of citations issued for the violation of Driving While under the Influence of Alcohol and/or Drugs shall be routed to the Department of Motor Vehicles, Drivers Services Bureau (DWI Unit) after the citation has been approved by a commander. All forms will be submitted as per operating guidelines set by the State of New Mexico and Departmental Policy.

81.1.06 UNAUTHORIZED DISPOSAL OF CITATIONS

- A. It is a misdemeanor and official misconduct for any officer or other employee to dispose of a citation except as otherwise provided in this policy and/or by law (66-8-133 NMSA).

81.0.07 AUDIT PROCEDURES

- A. The Records Division supervisor shall conduct an annual audit, during the month of June, of all citation documentation and the totals of all citations issued to assure accountability of all citations distributed and issued.

Drafted (rgb) 06/09

**TITLE: APPEARANCE, UNIFORMS
AND EQUIPMENT**

CODIFIED: 88.1

EFFECTIVE: 09/01/09

PAGES: 8

PURPOSE

The purpose of this directive is to delineate the Department's initial clothing and equipment issue and to establish a standard of appearance and apparel for Department employees.

DISCUSSION

Department employees perform a diversity of functions which entail the use of a variety of civilian clothing, uniforms and equipment. The issuance, condition and appearance of personnel, uniforms and equipment influence the perception of the public and the performance of duties.

POLICY

It shall be the policy of the Department to issue uniforms and equipment as required for employees to accomplish assigned functions and to allow for the care and maintenance of equipment and uniforms. It shall further be the policy of the Department that employees present a neat, clean and orderly appearance.

PROCEDURE

INITIAL EQUIPMENT ISSUE

88.1.01 Most of the equipment that each employee initially receives will be issued by the Fleet/Property person, training officer or executive secretary. Some specialized equipment not normally stocked by the Fleet/Property section will be purchased directly from suppliers.

BASIC POLICE OFFICER TRAINING

88.1.02 Officers scheduled to attend the Basic Police Officers Training course should purchase the required uniforms and equipment in accordance with Law Enforcement Academy rules and regulations through their clothing allotment.

ASSIGNMENT TO FIELD TRAINING PROGRAM

88.1.03 Prior to assignment to the Field Training Program, Officers will be issued sufficient uniforms and equipment to successfully carry out their duties.

**OPERATIONS DIVISION
UNIFORMED PATROL**

UNIFORM SHIRTS

88.1.04 Long and Short sleeve shirts shall be 100% textured polyester, polyester/wool blend, or a polyester/rayon/lycra blend, plain weave, two ply construction. The shirt will have mock button zipper front, military creases and placket front. At least two pleated pockets with pencil division in left pocket and badge tab. Shirts will be navy blue in color.

88.1.05 Both long and short sleeve shirts can be worn year round at the discretion of the officer.

PENDING

88.1.06 Personnel are authorized to wear undershirts and thermals under the uniform shirt. If the undershirt is visible at the neckline, it must be plain white or plain black and in good condition. *Sleeves shall not protrude from underneath the uniform short sleeve shirt.*

88.1.07 Turtle neck and mock turtleneck shirts of navy blue or black may be worn during the winter months with the winter shirt.

88.1.08 Sleeves will not be rolled up or turned under on any uniform shirt.

88.1.09 Vacant

UNIFORM TROUSERS

88.1.10 Uniform trousers will be navy blue in color, 100% Dacron polyester, polyester/wool blend, or a polyester/rayon/lycra blend. Material weight will be at least 13 oz and the trousers will have western style rear pockets with at least one button down rear pocket. The trousers will have at least two side pockets, and belt loops large enough to fit standard Sam Browne inner belts.

88.1.11 A grey one inch stripe along the trouser leg shall be worn.

“STREET GEAR” or “UTILITY” UNIFORM

88.1.12 Officers on special assignment, or training have the additional option (with approval) of wearing the navy blue, Blauer “Street Gear” uniform shirt and trousers. (Note: Officers may not mix polyester and “Street Gear” uniforms, all uniform components must be of the same material.) *Not authorized for court attire.*

UNIFORM SWEATERS

88.1.13 Uniform sweaters shall be commando style, navy blue or black in color. They will be worn over a uniform shirt with an open collar.

- Command and supervisory personnel may wear the approved tie in lieu of the open collar.

88.1.14 The approved turtleneck sweater may be worn underneath the uniform shirt (open collar) while wearing the command sweater. The color of the turtleneck shall be the same color as that of the commando sweater.

88.1.15 Approved departmental accessories to be worn on the sweater include EPD patches, badge and name tag.

88.1.16 Command personnel (Sergeant and above) shall wear the sweater with epaulets and will display the appropriate rank insignia on same. Non-command personnel will not have epaulets.

88.1.17 The uniform shirt collar is to be worn outside the sweater and the lower hem of the sweater must not extend below the Sam Browne belt.

UNIFORM COAT/JACKET

88.1.18 Trooper coats will be navy blue or black in color, with a nylon outer shell and removable pile collar. The parka hood should be optional and the

jacket should have an appropriately colored quilted liner.

88.1.19 The following coats/jackets are also authorized for wear:

- Leather jacket - Police style only, black in color;
- Windbreaker - Navy blue or black (lined or unlined);
- Medium weight bomber jacket - Navy blue or black;
- Down or poly-filled jacket - black in color.

88.1.20 VACANT

88.1.21 Officers will have the option of placing a reflective patch with the words “POLICE” across the back of the uniform jacket. This does not include leather or “staff” jackets.

FOOTWEAR

88.1.22 Shoes will be police issue oxford style with a rounded toe and shall be black in color.

88.1.23 Patrol boots will be police issue, black in color, with no design, and have a plain toe.

88.1.24 During inclement or extreme weather, uniformed personnel will be authorized to wear insulated/waterproof footwear and/or galoshes as long as the items are black or navy blue in color. Soles on these boots shall be of a type to prevent falls or puncture wounds.

88.1.25 A medical excuse signed and issued by a licensed qualified physician or a podiatrist will be required for exemption from wearing the aforementioned foot gear noting the medical reason(s) which would preclude use of the approved items. The appearance of any medically prescribed footwear must conform to department approved footgear in construction and color.

GLOVES

88.1.26 Gloves will be black leather, lined or unlined, and full fingered. White cotton gloves may be required for special occasions, such as funerals or escorts.

88.1.27 Gloves shall not be worn with the short sleeved uniform shirt unless the officer is handling unconscious, intoxicated or other individuals that

may present a possible health hazard. In these situations, latex, medical gloves are recommended.

RAINCOATS

88.1.28 Raincoats may be yellow or black; slicker or trench coat style.

88.1.29 Command and supervisory personnel who are wearing the Class A Dress uniform are permitted to wear a navy blue trench coat. SFPD patches shall be sewn on the shoulder in the same manner as other approved coats.

88.1.30 Coveralls may be approved for wear on a case by case basis and when approved should be either navy blue, black or tan in color depending on the assignment.

88.1.31 Reflective safety vests shall be worn by personnel when directing or controlling traffic, unless there are emergency or exigent circumstances which would preclude use of the vests.

PROTECTIVE/BALLISTIC VESTS

88.1.32 Protective/ballistic body armor will be departmental issue and shall be worn by all, on duty, uniformed field personnel.

88.1.33 Sworn personnel assigned to permanent or temporary administrative duties, either in uniform or in plain clothes, are exempt from having to wear body armor while on duty. Administrative personnel temporarily assigned to uniformed field duty for any reason, must wear body armor.

88.1.34 Plainclothes officers and detectives will be required to wear body armor under the following conditions:

- When conducting surveillance;
- When responding to high-risk calls for service;
- When high risk arrests or warrants are executed;
- When directed to do so by a unit/section commander.

88.1.35 Sworn personnel not required to wear their body armor at all times will have their body armor stored in their assigned vehicle and readily available.

HEADGEAR

88.1.36 Uniform hat will be Lancaster style "8 point" with grommets to accommodate the cap

badge. The wearing of the cap is optional, but encouraged at all special functions, inspection, or as otherwise directed. An alternative Keystone "pin down" may also be utilized for general patrol wear if desired.

- All personnel the rank of Lieutenant and below will wear caps with plain black brims;
- Personnel with the rank of Captain will wear caps with a single band of gold oak leaves on the brim;
- The Deputy Chief and Chief of Police will wear multiple bands of gold oak leaves on the brim.

88.1.37 The police issue helmet may be worn during hazardous conditions such as fights, civil disturbance or other incidents where physical injury is imminent or likely. Helmets will be carried in the police vehicle and be available at all times.

88.1.38 VACANT

88.1.39 Winter/Trooper hats will be fur-lined with ear flaps and shall have manufactured cap badge grommets. Winter/Trooper hats will be navy blue or black in color and will match the color of the coat/jacket worn.

88.1.40 Winter/Trooper hats may be worn during periods of inclement/cold weather but are not authorized for wear with the Class A Dress uniform.

TIES

88.1.41 The uniform tie will be navy blue in color with a four-in-hand style knot. Female officers may substitute a crossed tie which will be navy blue in color. For safety purposes, ties should be clip on, or in the case of the crossed tie, attached with Velcro.

88.1.42 The wearing of ties is optional during normal duty hours. Ties will be required at all formal functions (with the long sleeve uniform shirt), or as directed by the Chief of Police.

88.1.43 A tie bar or tie tack will be an optional item when a tie is being worn. Approved designs are limited to law enforcement, military or City of Espanola emblems.

- **88.1.44 VACANT**

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BIKE PATROL UNIFORM

88.1.45 VACANT

88.1.46 VACANT

88.1.47 VACANT

**OPERATIONS DIVISION
PLAIN CLOTHES PERSONNEL**

88.1.48 All commissioned officers working in plain clothes will dress appropriately for the job and follow the following guidelines:

- Plain clothes officers will be in court attire with exception for special duty, undercover and other special assignments, or at the discretion of the section Commander;
- Unless the officer is called directly from the field to testify in court or other such hearing, he/she will appear in proper attire.

88.1.49 Denim clothing is approved for regular duty wear by plain clothes officers **ONLY** if the items meet the following standards:

- The items must be a solid color; **no blue jeans**
- They must be clean, pressed and free from fading, tearing, fraying spotting, patches, holes, or any visible sign of wear;
- They must be dress style denim;

88.1.50 Ice washed, acid washed and tie-dyed denims are strictly prohibited.

88.1.51 When wearing plain clothes on duty or acting in the Department's behalf, employees (both sworn and non-sworn) will be required to adhere to hairstyle guidelines prescribed for uniformed employees.

A. EXCEPTIONS:

1. Plain-clothes personnel shall be allowed to wear neatly trimmed goatees.
2. Other exceptions are permitted, at the discretion of their Section Commander, only while the employee is on active undercover or vice control assignment.

PUBLIC SAFETY AIDES

88.1.52 The Public Safety Aide uniform shirt will be light blue with epaulets. PSA's may also wear a polo shirt of the same fabric and specification as approved for sworn personnel.

88.1.53 Trousers will be navy blue and of the same fabric and specification as approved for uniformed sworn personnel.

88.1.54 Footwear shall be the same as that approved for sworn uniformed personnel.

88.1.55 Coats/jackets shall be the same as that approved for sworn uniformed personnel. Black leather jackets are not approved for on duty wear.

88.1.56 Public Safety Aides are authorized to wear the Navy blue Lancaster style uniform hat with black chin strap.

88.1.57 Reflective safety vests shall be worn by PSAs when directing or controlling traffic, unless there are exigent or emergency circumstances that would preclude the use of the vest.

ANIMAL CONTROL OFFICERS

88.1.58 The Animal Control Officer uniform shirt will be a light blue in color uniform or polo style shirt. Plain white undershirt with a plain neck is authorized for wear under the uniform shirt.

88.1.59 Uniform trousers will be dark blue and of the same fabric and specification as that approved for sworn personnel. Dark blue Blauer "Street Gear" or "utility" style trousers are also authorized.

88.1.60 Footwear should be the same as that approved for sworn uniformed personnel.

88.1.61 Coats/jackets shall be blue in color and styles will be the same as that approved for sworn personnel. Leather jackets of any style are not approved for on-duty use by Animal Services Officers.

88.1.62 Navy blue commando-type wool sweaters are authorized for wear during cold weather. A blue turtleneck shall be the same color as that of the commando sweater.

88.1.63 Reflective safety vests are issued equipment and shall be worn by Animal Control Officers when

directing or controlling traffic, unless there are exigent or emergency circumstances that would preclude the use of the vest.

88.1.64 Officers may wear a dark blue "baseball" style cap, with an embroidered Animal Control Shield. The wear of the field cap is optional. The cap will be kept clean and in good repair. The cap shall be kept free of additional items such as pins, etc.

UNIFORM WEAR

88.1.65 Officers shall wear the uniforms and insignia commensurate with their rank and position.

88.1.66 All employees required to wear a uniform will insure they have a sufficient number of uniforms and maintain them in a neat, clean, and serviceable condition.

88.1.67 No mixture of civilian clothing with the official uniform shall be permitted on duty or off, with the following exceptions:

- Plain-clothes Officers may wear Department caps, jackets or other special purpose clothing during raids or special operations.
- Officers using a police vehicle off-duty shall carry an outer garment, which will identify them as a member of the Espanola Police Department if called on in an emergency and/or assignment.
- During training or range exercises.

88.1.68 All supervisory officers are accountable for the appearance of each person under their direct supervision and will be accountable for and assure that each one has the prescribed uniform and equipment while on duty.

ACCESSORIES

ESPAÑOLA POLICE DEPARTMENT SHOULDER PATCH

88.1.69 Department shoulder patches will be worn on all uniform shirts in the following manner:

- Sworn Personnel - Patch will be worn on the left and right sleeve of the uniform, centered below the epaulet and 1/4 inch below the shoulder seam.

- Public Safety Aides - City patch will be worn on the left sleeve and a Public Safety Aide patch on the right sleeve.
- Animal Control Officer - City patches on both sleeves, one inch from the shoulder seam and centered on the arm.

NAME PLATES

88.1.70 All uniformed personnel will wear a gold plated metal name plate 2 1/4 inches by 3/8 inch. Rank will not be designated on the name plate.

88.1.71 The name plate will be worn centered on the right side pocket flap.

VACANT

CHIN STRAP

88.1.73 Officers with less than three years continuous service with this department will wear a silver colored chin strap with chrome plated "P" buttons to secure the strap to the cap.

88.1.74 Officers with over three years of continuous service and Officers holding the rank of Sergeant and above, will wear a gold colored chin strap with gold colored "P" buttons to secure the strap to the cap.

CLOTH BADGE PATCH

88.1.75 All personnel may wear a colored embroidered replica of the department breast badge on outer garments. This badge will also be worn on the approved polo shirt.

RANK INSIGNIA

88.1.76 Sergeants chevrons will have a black background with three white stripes with black detail. Chevrons will be worn on both sleeves of the uniform shirt and centered midway between the seam of the shoulder and the elbow.

- It is understood that due to the sleeve length of the short sleeved uniform shirt, centering midway may not always be possible.

88.1.77 Lieutenant insignia shall be the single gold plated bar, one inch by 3/8 inch. Bars will be worn on both collar tabs of the uniform shirt.

88.1.78 Captain insignia shall be the double gold plated bar, each bar to be one inch by 3/8 inch. The

insignia will be worn on both collar tabs of the uniform shirt.

88.1.79 The Deputy Chief of Police insignia shall consist of three gold plated star design. The insignia will be worn on both collar tabs.

88.1.80 The Chief of Police insignia will be a four gold plated star design. The insignia will be worn on both collar tabs.

LEATHER/NYLON GEAR

88.1.81 Equipment belt will be black leather, two inches in width, with basket weave design. Brass buckle or Velcro closures are both acceptable. Nylon equipment belts similar in appearance to the leather belt is also acceptable when wearing utility uniforms or when appropriate for assignment.

- Leather belts shall be worn with class A uniform.
- Nylon equipment belts shall be worn with Street Gear Uniform or Utility uniform only.
- The mixing of leather and nylon components on one belt is not authorized.

88.1.82 Holster will be a high rise thumb break or border patrol style, with black basket weave design. Level II and III security and nylon holsters are also permitted. Any other type of holster is prohibited.

- Holsters for privately owned weapons utilized or back up and off-duty use will be basket weave or nylon design. Purchase of the holster will be the officers' responsibility.

88.1.83 Handcuff case will be black basket weave or nylon design. The cover of the case may secure with either a concealed snap or a Velcro fastener. Any other type is prohibited.

88.1.84 Ammunition carriers will be either stacked or side-by-side magazine design, basket weave or nylon. The covers will be secured by either a hidden snap or Velcro fastener.

88.1.85 The expandable baton holster will be black basket weave leather or black nylon.

88.1.86 Belt keepers will be one inch wide with concealed snaps or Velcro fasteners and have a black, basket weave design. Nylon belt keepers may be used with nylon belts.

88.1.87 Privately owned leather or nylon gear that is used on-duty must meet the same requirements as the department issued equipment.

BADGES

88.1.88 The badge style of the Espanola Police Department is an oval gold plated style with the rank insignia across the top panel.

88.1.89 VACANT

88.1.90 VACANT

88.1.91 VACANT

88.1.92 Public Safety Aides will wear a silver shield style badge with the wording "Public Safety Aide" on the face of the badge in gold panels.

88.1.93 Animal Control Officers will wear a silver shield style badge with the wording "Animal Control Officer" on the face.

88.1.94 VACANT

SERVICE STRIPES/BARS AND INSTRUCTOR BAR

88.1.95 VACANT

88.1.96 Service bars will be worn on all long sleeve shirts. Service bars designate years of service with the Espanola Police Department. Service bars will be worn in the following manner:

- Service bars will be worn on the left arm, starting one inch above the cuff line.
- Designation for one year of service as a certified police officer is a single white bar.
- A single white bar having a navy blue star centered on the bar designates five years of service, or two stars for ten years of service, three stars for fifteen etc.
- Service bars shall be updated on the officer's anniversary date.

88.1.97 Instructor bars are worn on the right arm starting one inch from the cuff line. The instructor bar is a black bar outlined in white with white lettering of the word "INSTRUCTOR" in the bar.

88.1.98 Instructor bars may only be worn by those individuals who are certified instructors through the New Mexico Department of Public Safety, Training

and Recruiting Division. The EPD Training and Recruiting Section must verify the certification.

88.1.99 Instructor bars will be worn on all outer garments and long sleeve uniform shirts.

SPECIAL DUTY/FUNCTION UNIFORMS

COLOR GUARD/HONOR GUARD

• **88.1.99** VACANT

88.1.100 VACANT

88.1.101 VACANT

CLASS A DRESS UNIFORM

88.1.102 VACANT

DRESS JACKET

• **88.1.103** VACANT

• **88.1.104** VACANT

TROUSERS

• **88.1.105** VACANT

DRESS UNIFORM SHIRT

88.1.106 VACANT

TIES

88.1.107 VACANT

APPEARANCE AND GROOMING

88.1.108 Male officers shall keep their hair neat in appearance. The hair shall be kept so as not to extend below the top of the ears, extend below the top of the uniform collar or bush out excessively when the uniform hat or cap is worn.

A. In no case shall the bulk or length of hair interfere with authorized headgear when worn.

B. Hair that is dyed should present a natural appearance. Outlandish or unnatural colors that detract from a professional appearance are not authorized.

88.1.109 Female officers shall wear their hair in styles so that the hair is not on the front of the uniform, shoulders or covering the face.

A. In no case shall the bulk or length of the hair interfere with authorized headgear when worn.

B. Females assigned to uniformed patrol duty are encouraged to style their hair in a manner conducive to officer safety. Styles that require long hair, pig tails or extensions provide easy targets for resisting subjects to grab and may place the officer at a disadvantage.

C. Hair that is dyed should present a natural appearance. Outlandish or unnatural colors that detract from a professional appearance are not authorized.

88.1.110 Male officers shall be allowed to wear a neatly trimmed mustache. The mustache will extend no more than one-quarter of an inch (1/4") below the corner of the mouth.

88.1.111 No beards, goatees, or other hair on the chin, neck, or cheeks will be allowed while in uniform. Requests for waiver will be considered on a case by case basis and only upon recommendation from a licensed physician. *Consideration shall be given based on a religious belief and/or practice.*

88.1.112 Sideburns will be neatly trimmed and shall not extend below the lowest part of the ear opening. The sideburns will not be flared and will end in a clean shaven horizontal line.

88.1.113 Plain clothes officers assigned to undercover or special operations shall dress and be groomed in accordance with the standards set by the Chief.

88.1.114 Plain clothes officers will be compliant with this directive when wearing the regulation uniform.

88.1.115 Wigs and hair pieces are permitted and must comply with all hair standards as set forth in this directive.

PERSONAL JEWELRY AND ORNAMENTATION

88.1.116 Only the following items of jewelry may be worn by uniformed personnel:

- Rings;
- Watches and watchbands;
- Tie tacks or tie pins;

- Approved uniform pins;
- Neck jewelry may be worn but must be concealed;

88.1.117 Sworn or uniformed personnel are prohibited from wearing the following items of jewelry while on duty:

- Earrings;
- Ear cuffs;
- Visible body piercing jewelry (including tongue or nose piercing jewelry).

PURCHASE OF UNIFORM CLOTHING AND ACCESSORIES

88.1.118 Uniform items, accessories, leather and footwear shall be obtained through the officers uniform allowance check at the end of each quarter.

88.1.119 Upon receipt of a uniform allowance check, the officer is responsible for purchasing the necessary items to perform their duties effectively and professionally.

CIVILIAN PERSONNEL

88.1.120 Male and female employees shall dress in civilian clothing that presents a professional, neat and clean appearance.

88.1.121 Excessively short dresses, shorts, skirts or revealing clothing are prohibited.

CRIME SCENE UNIT UNIFORMS

88.1.122 VACANT

TITLE: DAMAGE TO DEPARTMENT OR CIVILIAN PROPERTY

CODIFIED: 91.1

EFFECTIVE: 09/01/09

PAGES: 1

PURPOSE

The purpose of this directive is to establish guidelines for the proper documentation of damage that occurs to department or civilian property.

DISCUSSION

It is a public expectation that material resources provided a government entity be carefully maintained and accounted for.

When sworn personnel of this department damage civilian property in the course of their official duties such damage shall be properly documented.

POLICY AND PROCEDURE

DAMAGE TO DEPARTMENT PROPERTY

91.1.01 Photographs will be required for documentation whenever damage to department equipment is sustained.

91.1.02 In the event instant photography is not used, unexposed film will be submitted to the evidence section for processing as soon as possible. Photos such as; Polaroid or digital copies will be submitted to evidence. If prints are needed by Internal Affairs or for Civil Litigation, the proper written request will be made.

91.1.03 If the incident that caused the damage involved a criminal offense, the person taking the photographs will submit a supplementary report.

91.1.04 If the incident did not involve a criminal offense, the officer involved will write a brief memorandum to the office of the Chief of Police

explaining the incident and photographs. This memo will be submitted through the chain of command.

91.1.05 In every incident, the immediate supervisor of the employee(s) whose equipment was damaged will complete a supervisor's first report of accident/injury.

DAMAGE TO CIVILIAN PROPERTY

91.1.06 The officer in charge will photograph the damage that was caused by the officer(s). Officers will not leave the scene until detailed photographs of the damage have been taken.

91.1.07 Photographs, along with the summation of events leading to the damaged property will be submitted along with the photographs to the office of the Chief of Police, by the Commanding Officer of the officer(s) involved.

91.1.08 The officer working the case will write an original or a supplemental report detailing the exact damage caused by the officer(s) and forward a copy to the office of the Chief of Police.

91.1.09 All reports along with recommendations will be submitted to the office of the City Attorney for their files and information.

Drafted (rgb) 07/09

TITLE: CITIZEN RIDE ALONG PROGRAM**CODIFIED:** 92.1**EFFECTIVE:** 09/01/09**PAGES:** 2**PURPOSE**

The purpose of this directive is to establish guidelines for the transportation of civilians, other than prisoners, in on-duty vehicles.

DISCUSSION

The Department encourages community interest and involvement in the law enforcement process and allows reputable citizens and student interns to ride as passenger observers in Department vehicles for legitimate civic, educational purposes or employment purposes.

The ride along program is a public relations tool, which is designed and intended to promote a better understanding of an officer's duties on patrol. Participation in the program is considered a privilege extended by the Chief of Police and is subject to cancellation or adjustment at any time without prior notification.

POLICY

It is the policy of the Espanola Police Department to allow interested and reputable members of the community to view police operations by allowing them to accompany a police officers during his/her tour of duty.

PROCEDURES

92.1.01 Members of the community who meet the listed qualifications and who desire to participate in the department's ride along program may acquire

approval from the Chief Office in the following manner:

- A. Submit a written request to the Chief's Office, which contains the person's name, age, reason for wanting to be considered as a participant, and a date and time they wish to ride.
- B. The request will be routed to the Chief's secretary for entry into the log and to ensure that the individual has not participated in the program during the previous ninety days.
- C. Upon entry, the request will be routed to the Chief of Police or his/her designee for approval. (Information contained within the request is submitted for verification at this time). The Chief or his/her designee will assign the date, time and shift the individual may ride with an officer. Times and dates requested by individuals will be honored when and if possible.
- D. The Chief's secretary will then contact the person initiating the request; an appointment will be arranged for the completion of the waiver form(s) and verification of age.
- E. Notification of approval and conditions of approval will be routed to the supervisor who will be responsible for making final arrangements for the ride along.

ELIGIBILITY

92.1.02 All individuals eighteen or older, who have not been convicted of a felony, and have a valid reason for desiring to view police operations are eligible to participate in this program.

92.1.03 Juveniles between the ages of fifteen and eighteen who have their parent's written consent, are enrolled in, and sponsored by a school or community program which promotes understanding the criminal justice system and/or the social sciences, are eligible to participate in this program (case by case basis and only with approval from the chief or his designee).

92.1.04 All participants must abide by the rules, regulations, and requirements outlined herein.

RESTRICTIONS

92.1.05 The following restrictions shall apply to all individuals participating in the department's ride-along program:

- A. Persons requesting permission to participate in the program must provide a picture identification card or driver's license for the purpose of verifying age.
- B. Participation in the program is limited to once every ninety days, per person, unless waived by the Chief of Police.
- C. All participants will be required to submit a written request outlining the reason(s) they are asking for authorization to participate in the program.
 - 1. All information submitted is subject to verification.
- D. Juvenile participants will be required to be enrolled in a school or community service program, and have both parental and school consent (refer to 92.1.03).
- E. Juvenile participants are restricted to ride-along during daylight hours only. Upon completion of the ride-along the juvenile must be de-briefed by the shift commander who will note the ride-along officer's name on the waiver form and whether the ride-along proceeded without incident.
- F. All individuals who participate in the program must complete and submit a waiver of liability form prior to being allowed to ride. Original waiver forms shall be filed in the Chief's Office. Copies will be maintained by the shift supervisor.
 - 1. For juveniles the parent or guardian must complete and sign the waiver of liability.
- G. Under no circumstances will a participant in the ride along program be allowed to ride with a spouse, partner or significant other.

GLOSSARY

ELIGIBILITY - Meets the criteria for participation.

WAIVER FORM - A prepared for which persons wishing to participate in the department ride along program must sign to acknowledge assignment of liability in the event of an incident or accident.

Drafted (rgb) 08/09

TITLE:	REMEDIAL TRAINING
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CODIFIED:	97.3
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EFFECTIVE:	07/23/04
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RESCINDS/AMENDS:	TRAINING SOP
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PAGES:	2
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PURPOSE

The purpose of this directive is to delineate and define responsibilities and procedures as they apply to identifying and providing remedial training.

DISCUSSION

Traditionally, remedial training has meant sending the employee to specific classes in the subject area within which he or she is having difficulty. Remedial training may be simply practice by the employee, with supervision, or orders to rewrite a report.

In whatever form it appears, remedial training should be identified and handled as a bona fide training opportunity. Documentation as to what strategies were used and the results of the remedial training should be kept by the agency.

Criteria should be established that identifies candidates for remedial training. Timetables for this training should be established to keep remedial training from dragging on endlessly, and to give the employee a time goal to reach during the training.

The Department should attempt to retrain and motivate those employees whose skills and knowledge levels have declined. This should be a continuous process. Learning proceeds best when the employee is motivated to learn and it should be the responsibility of each supervisor to train his/her subordinates by the most effective methods available.

The employee should also know the consequences of non-participation or failure to successfully complete a remedial training course. Remedial training

strategies should be structured to the individual employee.

POLICY

It shall be the policy of the Department to provide needed remedial training to employees in order to update, improve, or re-establish the skills and knowledge required to perform the tasks assigned.

PROCEDURE

97.3.01 Remedial training shall be provided to employees when their task effectiveness has been judged to be less than acceptable.

97.3.02 Remedial training will be provided under the following circumstances:

- A.** When the employee perceives a problem in performance or behavior, he/she may request remedial training to improve skills or knowledge. Requests shall be made in writing, via the chain of command.
- B.** When requested by the employee's supervisor. This request may take any of the following forms:
 - The supervisor may suggest that the employee apply for remedial training.
 - The supervisor may conduct his/her own remedial training for the affected employee, through coordination with the Training and Recruiting Unit.
 - The supervisor may make a formal request, via the chain of command.
- C.** When a written performance evaluation or behavior identifies deficiencies, the employee or supervisor may request remedial training in areas that are deemed as unsatisfactory.

97.3.03 Prior to training, goals, objectives and time allotted shall be specified in writing.

97.3.04 Adequate time to complete the training and show improvement shall be allotted.

97.3.05 Those employees who do not show improvement in the allotted time may be subject to disciplinary action.

97.3.06 Remedial training shall be conducted or coordinated through the Training and Recruiting Unit.

97.3.07 All remedial training records will be maintained by the Training and Recruiting Unit.

97.3.08 When requested, remedial training will be conducted in response to those specific areas in which the employee has received unsatisfactory employee performance ratings unless special circumstances exist.

97.3.09 Upon receipt of a request for training, the Training and Recruiting Unit will review all pertinent information and meet with the employee's supervisors to assist in the development of the remedial training.

97.3.10 The Training and Recruiting Unit Commander, regardless of rank, will ultimately decide what remedial training solution will be employed.

97.3.11 Remedial training solutions include, but are not limited to, assignment of the employee to any of the following:

- Training courses offered by outside entities, i.e. New Mexico Law Enforcement Academy, other agencies, etc..
- Training courses offered by the agency through the Training and Recruiting Unit.
- Individualized remedial training as prescribed by the employee's supervisor.
- Other remedial assistance as prescribed by the Training and Recruiting Unit Commander, or employee's Division Commander.

97.3.12 If an employee fails to successfully complete the training program, one or more of the following may apply:

- A. Additional remedial training may be needed, alternate strategies may be identified and additional training assigned.
- B. Recommendations may be made to the Commander to assign or reclassify the employee to a position that does not require use of the skills or knowledge in which the deficiency occurs.
- C. Recommendations may be made to the Chief of Police for termination, if all remedial efforts are deemed to be ineffective and the employee can no longer meet the requirements of the duty position.

97.3.13 Non-participation by the employee may result in serious consequences, to include termination. Care shall be taken to insure that the employee is given every opportunity to participate in the training by the employee's supervisor.

97.3.14 All remedial training and the effectiveness of this training shall be included in the employee's training file maintained by the Training and Recruiting Unit.

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TITLE: FIELD TRAINING AND EVALUATION PROGRAM

CODIFIED: 97.4

EFFECTIVE: 09/01/09

PAGES: 2

PURPOSE

The purpose of this directive is to establish guidelines for the operation of a Field Training and Evaluation Program (FTEP) within the Department

DISCUSSION

Recruit Officers should be provided with some form of initial training to easily and efficiently assimilate them into the Department. The new-hire should also be provided with the training necessary to enable them to perform at a minimum level of job competency.

To perform this task, there must be a system that can organize, administer and evaluate the training of these recruits.

Officers who transfer between divisions should also be trained in the new position. Provisions should be made to train these individuals.

The ultimate goal for field training is to expose the trainee to as many varied situations as possible in the shortest period of time under controlled circumstances.

POLICY

It shall be the policy of the Department to establish and maintain a field-training program, which shall provide all new officers with a minimum of twelve (12) weeks of pre academy training, which includes training in the Department's rules, regulations and policies regardless of their future assignment.

PROCEDURES

RESPONSIBILITIES

97.4.01 Field Training Officers shall be under the supervision of the training officer for matters relating to the Field Training and Evaluation Program.

97.1.02 The training officer shall maintain a close liaison with the Department of Public Safety Academy staff while overseeing the field training and evaluation program in order to ensure training compatibility.

97.4.03 All new-hire Officers will complete designated field training as applicable to their assignments. This training will be organized, administered and evaluated by the Training and Recruiting Unit.

97.4.04 The curriculum shall be based upon the most recent Job Task Analysis of the most frequent assignments and associated duties of the Police Officer. Evaluation techniques will be designed to measure competency based upon the skills, knowledge, and abilities as identified in the Officer Job Task Analysis.

**PHASE ONE
TRAINING (ACADEMIC)**

97.4.05 Phase one is an academic program administered by the New Mexico Department of Public Safety Law Enforcement Academy and includes in-residence instruction in basic law enforcement topics.

97.4.06 All new Officers, regardless of assignment, will complete this training phase.

97.4.07 The curriculum for all basic recruit classes is governed by New Mexico Law Enforcement Academy Board Standards, which are reviewed on an annual basis. The current length of the NMLEA Recruit/Basic Training course is 800 hours.

97.4.08 Certification of the Recruit Officer will be in accordance with the Standards set forth by the NMLEA Board.

97.4.09 Trainees who fail to perform at an acceptable level during Phase One training may be either retrained or terminated, as directed by the Chief of Police, with recommendations of the Training and Recruiting Unit Commander.

97.4.10 Upon successful completion of Phase One training, the trainee may enter Phase Two training.

PHASE TWO (FIELD TRAINING OFFICER PROGRAM)

97.4.11 Phase two contains the following three stages:

FIELD STAGE I – PRIMARY FTO

The trainee is assigned to a “Primary FTO” for 4 weeks. Daily Observation Reports (DOR’S) will be filled out.

FIELD STAGE II - SECOND FTO

The trainee is assigned to a second FTO for four weeks. DORs and performance evaluations will be completed daily/weekly.

FIELD STAGE III – RETURN TO PRIMARY FTO

The trainee is re-assigned to the Primary FTO for a final observation period of four weeks. During this time the trainee will handle all aspects of patrol work and the FTO will be present to observe the trainee and render assistance and direction as needed. DORs and evaluations will be conducted daily/weekly

END OF PHASE

- A. The trainee will report to the training officer on the final Friday of the 12th week. The cadet and FTO will meet with the training officer with a written memorandum indicating recommendation by the FTO.
- B. Upon successful completion of the end of phase, and review of the completed DORs and Rookie Book, a recommendation for placement on a team may be made by the Training Officer.

- C. The Deputy Chief will place the newly certified officers on a Patrol Team that best meets manpower considerations.

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